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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. DOLD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 5, 2012.

I hereby appoint the Honorable ROBERT J. DOLD to act as Speaker pro tempore on this day.

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

PRAYER

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

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

We ask today that You bless the Members of the people's House to be the best and most faithful servants of the people they serve.

May they be filled with gratitude at the opportunity they have to serve in this place. We thank You for the abilities they have been given to do their work to contribute to the common good. May they use their talent as good stewards of Your many gifts and thereby be true servants of justice and partners in peace.

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

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

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. FLEISCHMANN) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEISCHMANN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

REMEMBERING CALEB LOGAN COOKE

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

Mr. FLEISCHMANN. Mr. Speaker, I rise today in remembrance of Caleb Logan Cooke. Caleb was born January 22, 1997, and passed away Saturday, December 1, 2012, at the age of 15. Caleb was a blessing to his parents and entire family from the day God placed him on His Earth. Though life was often a struggle for Caleb, he met every challenge head-on and always with a thoughtful and caring disposition. He was an accomplished Boy Scout, earned his black belt in tae kwon do, and was recognized for having the highest GPA in his freshman class.

In addition to all of his high school and extracurricular accomplishments, Caleb was engaged politically and always ready to discuss the day's news. A civically active young man, he was truly a shining example of our youth. Most of all, Caleb was a good friend to my son, Jeffrey, a delightful son to his parents, a loving sibling to his sister and brothers, a blessing to his entire family.

Caleb will be missed by all and always remembered.

AMERICANS WANT JOBS, NOT UNEMPLOYMENT CHECKS

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

Mr. KUCINICH. Nearly 50 million Americans—over 10 million children—live in poverty and 46 million Americans on food stamps. According to the Census Bureau, without Social Security over 50 percent of people 65 and older would live and die in poverty. Why do we accept poverty? Why do we accept massive unemployment? Over 20 million Americans are without work. You cannot escape poverty without a job. Americans want jobs, not unemployment checks. If you don't have a source of income, you can't own a home.

The middle class is disappearing. An unfair tax system is causing wealth to accelerate upwards, which is why I oppose the Bush tax cuts. But more tax increases and no massive jobs program are a prescription for disaster. We need more taxpayers, not more tax increases. You can't rebuild America by retaxing America. Poverty and joblessness constitute a national emergency. The private sector is not creating sufficient jobs. Congress has a constitutional obligation and power to coin or create money. We can use our power to put millions back to work rebuilding our infrastructure.

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H.R. 2990, the National Employment Emergency Act, can accomplish this. It's our choice: increase taxes, cut spending, put the economy in a stall, or put millions back to work.

CONGRATULATING MOELLER HIGH SCHOOL FOOTBALL CHAMPIONS

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

Mrs. SCHMIDT. Mr. Speaker, I rise today to congratulate the Ohio High School Athletic Association's 2012 Division I State football champions, the Moeller Crusaders. Last Saturday, the Crusaders, led by Head Coach John Rodenberg, defeated Toledo Whitmer 20–12 to capture Moeller's eighth State football championship title.

Archbishop Moeller High School, a Catholic institution in the Marianist tradition, currently has a student enrollment of 925 outstanding young men. Since its inception in 1960, Moeller High School has earned itself a well-deserved reputation for promoting both academic excellence and athletic prowess. Under their very first coach, Gerry Faust, who later went on to coach for Notre Dame, the Crusaders compiled a record of 178 wins, 23 losses, and two ties, while winning four national football championships, five State football championships, and enjoying seven undefeated seasons. One of Coach Faust's most favorite players was our very own JOHN BOEHNER. Speaker BOEHNER played as a linebacker for the Crusaders.

Following Coach Faust's tenure at the helm, the Crusaders have won three additional State championships, including the one last weekend in front of a crowd of 8,834 people at Fawcett Stadium in Canton, Ohio.

So to the Moeller High School football players, coaching staff, parents, student body, school administrators, teachers, faculty members, and fans, I offer you my heartfelt congratulations on this auspicious occasion of winning your eighth State championship. God bless you. God bless the Moeller Crusaders. God bless the men of Moeller. Take care.

Go Crusaders!

CREATING JOBS FOR AMERICA

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

Mr. DUNCAN of Tennessee. Mr. Speaker, no Republican in Congress is trying to protect millionaires or billionaires. In fact, Republicans lose most of the wealthiest counties and neighborhoods by very large margins. Much of the impasse in the current negotiations is over who is going to spend the money. Republicans do not want higher taxes simply because so much of what the Federal Government spends is lost to waste, fraud, and abuse.

The most wasteful, inefficient way to spend money is to turn it over to the Federal Government. The best way to create jobs and hold prices steady is to let private citizens spend and invest as they choose. The wealthy do all right even in socialist countries. But lower-income and working people come out much better in countries that allow the most free enterprise. Millionaires and billionaires can take care of themselves. Republicans are simply trying to help create jobs and keep the cost of living from going out of sight for ordinary people.

□ 0910

MIDDLE CLASS TAX CUTS

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

Mr. CICILLINE. Mr. Speaker, Democrats and Republicans agree that we should preserve tax cuts for all Americans on the first $250,000 of family income. This will protect 98 percent of Americans from a tax increase and 97 percent of small businesses.

We have different ideas on the best and fairest way to set rates for the top 2 percent, the wealthiest Americans. Let's have that debate in the coming weeks, but let's act on the overwhelming areas of agreement today. This is not about a Democratic or Republican victory in this Chamber. It's about a victory for the American people.

Instead of moving forward with middle class tax cuts, our friends on the other side of the aisle are trying again to put forth a plan that gives tax breaks to the richest Americans at the expense of our seniors, veterans, the disabled, and the middle class.

It's time for the partisan games to end. Let's prove to the American people that this is the people's House. Pass the middle class tax cuts today.

MIDDLE CLASS TAX CUTS

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

Ms. TSONGAS. Mr. Speaker, yesterday I was proud to join my colleagues in signing a petition to bring the middle class tax cuts to the House floor for an up-or-down vote. While there is much left to negotiate, there is one step that we can take today. It will provide millions of families and 97 percent of all small businesses with the security of knowing that their income taxes will not rise on January 1.

Both parties and the American people agree on the need to pass an extension of the tax cuts for every family on the first $250,000 of income. The Senate has passed such a bill, the President stands ready to sign it today, and I have heard from hundreds of constituents urging support for this now.

I urge my Republican colleagues to join us today in protecting middle class Americans and send the Senate-passed bill to the President.

THE GIFT OF FREQUENT FLYER MILES

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

Mr. BARROW. Mr. Speaker, the holidays are a time to reflect on the things for which we are grateful. As we enjoy the company of family and friends, we should also take time to thank the brave men and women serving in our Armed Forces.

Every one of us knows the tremendous debt we owe our military families. This year, as a token of my thanks, I'm donating over 79,000 frequent flyer miles that I received for congressional travel to the Fisher House's Hero Miles program, which provides free airline tickets to American soldiers and their families.

Flying to Washington is part of our job, and there's no better way to use the miles we accumulate from those trips than to help our troops and their families see each other. I encourage all of my colleagues to donate their miles to the Fisher House or a similar charity that helps make a difference this holiday season.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

COAST GUARD AUTHORIZATION ACT OF 2012 AMENDMENTS

Mr. LOBIONDO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 825) providing for the concurrence by the House in the Senate amendments to H.R. 2838, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 825

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 2838, with the Senate amendments thereto, and to have concurred in the Senate amendments with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Coast Guard and Maritime Transportation Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION
Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
TITLE II—COAST GUARD
Sec. 201. Interference with Coast Guard transmissions.
Sec. 202. Coast Guard authority to operate and maintain Coast Guard assets.
Sec. 203. Limitation on expenditures.
Sec. 204. Academy pay, allowances, and emoluments.
Sec. 205. Policy on sexual harassment and sexual violence.
Sec. 206. Appointments of permanent commissioned officers.
Sec. 207. Selection boards; oath of members.
Sec. 208. Special selection boards; correction of errors.
Sec. 209. Prohibition of certain involuntary administrative separations.
Sec. 210. Major acquisitions.
Sec. 211. Advance procurement funding.
Sec. 212. Minor construction.
Sec. 213. Capital investment plan and annual list of projects to Congress.
Sec. 214. Aircraft accident investigations.
Sec. 215. Coast Guard Auxiliary enrollment eligibility.
Sec. 216. Repeals.
Sec. 217. Technical corrections to title 14.
Sec. 218. Acquisition workforce expedited hiring authority.
Sec. 219. Renewal of temporary early retirement authority.
Sec. 220. Response Boat-Medium procurement.
Sec. 221. National Security Cutters.
Sec. 222. Coast Guard polar icebreakers.
TITLE III—SHIPPING AND NAVIGATION
Sec. 301. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
Sec. 302. Limitation of liability for non-Federal vessel traffic service operators.
Sec. 303. Survival craft.
Sec. 304. Classification societies.
Sec. 305. Dockside examinations.
Sec. 306. Authority to extend the duration of medical certificates.
Sec. 307. Clarification of restrictions on American Fisheries Act vessels.
Sec. 308. Investigations by Secretary.
Sec. 309. Penalties.
Sec. 310. United States Committee on the Marine Transportation System.
Sec. 311. Technical correction to title 46.
Sec. 312. Deepwater ports.
TITLE IV—MARITIME ADMINISTRATION AUTHORIZATION
Sec. 401. Short title.
Sec. 402. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.
Sec. 403. Maritime environmental and technical assistance.
Sec. 404. Property for instructional purposes.
Sec. 405. Short sea transportation.
Sec. 406. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.
Sec. 407. Transfer of vessels to the National Defense Reserve Fleet.
Sec. 408. Clarification of heading.
Sec. 409. Mission of the Maritime Administration.
Sec. 410. Amendments relating to the National Defense Reserve Fleet.
Sec. 411. Requirement for barge design.
Sec. 412. Container-on-barge transportation.
Sec. 413. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.
Sec. 414. Maritime workforce study.
Sec. 415. Maritime Administration vessel recycling contract award practices.
TITLE V—PIRACY
Sec. 501. Short title.
Sec. 502. Training for use of force against piracy.
Sec. 503. Security of Government-impelled cargo.
Sec. 504. Actions taken to protect foreign-flagged vessels from piracy.
TITLE VI—MARINE DEBRIS
Sec. 601. Short title.
Sec. 602. Short title amendment; references.
Sec. 603. Purpose.
Sec. 604. NOAA Marine Debris Program.
Sec. 605. Repeal of obsolete provisions.
Sec. 606. Coordination.
Sec. 607. Confidentiality of submitted information.
Sec. 608. Definitions.
Sec. 609. Severe marine debris event determination.
TITLE VII—MISCELLANEOUS
Sec. 701. Distant water tuna fleet.
Sec. 702. Technical corrections.
Sec. 703. Extension of moratorium.
Sec. 704. Notice of arrival.
Sec. 705. Waivers.
Sec. 706. National Response Center notification requirements.
Sec. 707. Vessel determinations.
Sec. 708. Mille Lacs Lake, Minnesota.
Sec. 709. Transportation Worker Identification Credential process reform.
Sec. 710. Investment amount.
Sec. 711. Integrated cross-border maritime law enforcement operations between the United States and Canada.
Sec. 712. Bridge permits.
Sec. 713. Tonnage of *Aqueos Acadian*.
Sec. 714. Navigability determination.
Sec. 715. Coast Guard housing.
Sec. 716. Assessment of needs for additional Coast Guard presence in high-latitude regions.
Sec. 717. Potential Place of Refuge.
Sec. 718. Merchant mariner medical evaluation program.
Sec. 719. Determinations.
Sec. 720. Impediments to the United States-flag registry.
Sec. 721. Arctic deepwater seaport.
Sec. 722. Risk assessment of transporting Canadian oil sands.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for each of fiscal years 2013 and 2014 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) $6,882,645,000 for fiscal year 2013; and

(B) $6,981,036,000 for fiscal year 2014;

of which $24,500,000 is authorized each fiscal year to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) $1,545,312,000 for fiscal year 2013; and

(B) $1,546,448,000 for fiscal year 2014;

to remain available until expended and of which $20,000,000 is authorized each fiscal year to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(3) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services—

(A) $138,111,000 for fiscal year 2013; and

(B) $140,016,000 for fiscal year 2014.

(4) For environmental compliance and restoration of Coast Guard vessels, aircraft, and facilities (other than parts and equipment associated with operation and maintenance)—

(A) $16,699,000 for fiscal year 2013; and

(B) $16,701,000 for fiscal year 2014;

to remain available until expended.

(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) $19,848,000 for fiscal year 2013; and

(B) $19,890,000 for fiscal year 2014.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program—

(A) $16,000,000 for fiscal year 2013; and

(B) $16,000,000 for fiscal year 2014.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for each of fiscal years 2013 and 2014.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads for each of fiscal years 2013 and 2014 as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

TITLE II—COAST GUARD

SEC. 201. INTERFERENCE WITH COAST GUARD TRANSMISSIONS.

Section 88 of title 14, United States Code, is amended by adding at the end the following:

''(e) An individual who knowingly and willfully operates a device with the intention of interfering with the broadcast or reception of a radio, microwave, or other signal (including a signal from a global positioning system) transmitted, retransmitted, or augmented by the Coast Guard for the purpose of maritime safety is—

''(1) guilty of a class E felony; and

''(2) subject to a civil penalty of not more than $1,000 per day for each violation.''.

SEC. 202. COAST GUARD AUTHORITY TO OPERATE AND MAINTAIN COAST GUARD ASSETS.

Section 93 of title 14, United States Code, is amended by adding at the end the following:

''(e) OPERATION AND MAINTENANCE OF COAST GUARD ASSETS AND FACILITIES.—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and other assets or facilities shall be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating.''.

SEC. 203. LIMITATION ON EXPENDITURES.

Section 149(d) of title 14, United States Code, is amended by adding at the end the following:

''(3) The amount of funds used under this subsection may not exceed $100,000 in any fiscal year.''.

SEC. 204. ACADEMY PAY, ALLOWANCES, AND EMOLUMENTS.

Section 195 of title 14, United States Code, is amended—

(1) by striking ''person'' each place it appears and inserting ''foreign national''; and

(2) by striking ''pay and allowances'' each place it appears and inserting ''pay, allowances, and emoluments''.

SEC. 205. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

(a) ESTABLISHMENT.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

''§ 200. Policy on sexual harassment and sexual violence

''(a) REQUIRED POLICY.—The Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

''(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence under this section shall include specification of the following:

''(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

''(2) Information about how the Coast Guard and the Academy will protect the confidentiality of victims of sexual harassment or sexual violence, including how any records, statistics, or reports intended for public release will be formatted such that the confidentiality of victims is not jeopardized.

''(3) Procedures that cadets and other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual violence, including—

''(A) if the victim chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and options for confidential reporting, including written information to be given to victims that explains how the Coast Guard and the Academy will protect the confidentiality of victims;

''(B) a specification of any other person whom the victim should contact; and

''(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

''(4) Procedures for disciplinary action in cases of criminal sexual assault involving a cadet or other Academy personnel.

''(5) Sanctions authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel, including with respect to rape, acquaintance rape, or other criminal sexual offense, whether forcible or nonforcible.

''(6) Required training on the policy for all cadets and other Academy personnel who process allegations of sexual harassment or sexual violence involving a cadet or other Academy personnel.

''(c) ASSESSMENT.—

''(1) IN GENERAL.—The Commandant shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies of the Academy with respect to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(2) BIENNIAL SURVEY.—For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of cadets and other Academy personnel—

''(A) to measure—

''(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to an official of the Academy; and

''(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to an official of the Academy; and

''(B) to assess the perceptions of the cadets and other Academy personnel with respect to—

''(i) the Academy's policies, training, and procedures on sexual harassment and sexual violence involving cadets or other Academy personnel;

''(ii) the enforcement of such policies;

''(iii) the incidence of sexual harassment and sexual violence involving cadets or other Academy personnel; and

''(iv) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(d) REPORT.—

''(1) IN GENERAL.—The Commandant shall direct the Superintendent to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other Academy personnel for each Academy program year.

''(2) REPORT SPECIFICATIONS.—Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

''(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the Academy program year and, of those reported cases, the number that have been substantiated.

''(B) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(3) BIENNIAL SURVEY.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that Academy program year under subsection (c)(2).

''(4) TRANSMISSION OF REPORT.—The Commandant shall transmit each report received by the Commandant under this subsection, together with the Commandant's comments on the report, to—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Transportation and Infrastructure of the House of Representatives.

''(5) FOCUS GROUPS.—

''(A) IN GENERAL.—For each Academy program year with respect to which the Superintendent is not required to conduct a survey at the Academy under subsection (c)(2), the Commandant shall require focus groups to be conducted at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

''(B) INCLUSION IN REPORTS.—Information derived from a focus group under subparagraph (A) shall be included in the next transmitted Commandant's report under this subsection.

''(e) VICTIM CONFIDENTIALITY.—To the extent that information collected under the authority of this section is reported or otherwise made available to the public, such information shall be provided in a form that is consistent with applicable privacy protections under Federal law and does not jeopardize the confidentiality of victims.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 199 the following:

''200. Policy on sexual harassment and sexual violence.''.

SEC. 206. APPOINTMENTS OF PERMANENT COMMISSIONED OFFICERS.

Section 211 of title 14, United States Code, is amended by adding at the end the following:

''(d) For the purposes of this section, the term 'original', with respect to the appointment of a member of the Coast Guard, refers to that member's most recent appointment in the Coast Guard that is neither a promotion nor a demotion.''.

SEC. 207. SELECTION BOARDS; OATH OF MEMBERS.

Section 254 of title 14, United States Code, is amended to read as follows:

''§ 254. Selection boards; oath of members

''Each member of a selection board shall swear—

''(1) that the member will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon the member; and

''(2) an oath in accordance with section 635.''.

SEC. 208. SPECIAL SELECTION BOARDS; CORRECTION OF ERRORS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 262 the following:

''§ 263. Special selection boards; correction of errors

''(a) OFFICERS NOT CONSIDERED DUE TO ADMINISTRATIVE ERROR.—

''(1) IN GENERAL.—If the Secretary determines that as the result of an administrative error—

''(A) an officer or former officer was not considered for selection for promotion by a selection board convened under section 251; or

''(B) the name of an officer or former officer was not placed on an all-fully-qualified-officers list;

the Secretary shall convene a special selection board to determine whether such officer or former officer should be recommended for promotion and such officer or former officer shall not be considered to have failed of selection for promotion prior to the consideration of the special selection board.

''(2) EFFECT OF FAILURE TO RECOMMEND FOR PROMOTION.—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer, whose grade is below the grade of captain and whose name was referred to that board for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

''(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—

''(1) IN GENERAL.—In the case of an officer or former officer who was eligible for promotion, was considered for selection for promotion by a selection board convened under section 251, and was not selected for promotion by that board, the Secretary may convene a special selection board to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

''(A) an action of the selection board that considered the officer or former officer—

''(i) was contrary to law in a matter material to the decision of the board; or

''(ii) involved material error of fact or material administrative error; or

''(B) the selection board that considered the officer or former officer did not have before it for consideration material information.

''(2) EFFECT OF FAILURE TO RECOMMEND FOR PROMOTION.—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer, whose grade is that of commander or below and whose name was referred to that board for consideration, the officer or former officer shall be considered—

''(A) to have failed of selection for promotion with respect to the board that considered the officer or former officer prior to the consideration of the special selection board; and

''(B) to incur no additional failure of selection for promotion as a result of the action of the special selection board.

''(c) REQUIREMENTS FOR SPECIAL SELECTION BOARDS.—Each special selection board convened under this section shall—

''(1) be composed in accordance with section 252 and the members of the board shall be required to swear the oaths described in section 254;

''(2) consider the record of an applicable officer or former officer as that record, if corrected, would have appeared to the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board and that record shall be compared with a sampling of the records of—

''(A) those officers of the same grade who were recommended for promotion by such prior selection board; and

''(B) those officers of the same grade who were not recommended for promotion by such prior selection board; and

''(3) submit to the Secretary a written report in a manner consistent with sections 260 and 261.

''(d) APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.—

''(1) IN GENERAL.—An officer or former officer whose name is placed on a promotion list as a result of the recommendation of a special selection board convened under this section shall be appointed, as soon as practicable, to the next higher grade in accordance with the law and policies that would have been applicable to the officer or former officer had the officer or former officer been recommended for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

''(2) EFFECT.—An officer or former officer who is promoted to the next higher grade as a result of the recommendation of a special selection board convened under this section shall have, upon such promotion, the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active duty promotion list as the officer or former officer would have had if the officer or former officer had been recommended for promotion to that grade by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

''(3) RECORD CORRECTION.—If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not eligible for promotion or a former officer whose name was referred to the board for consideration, the Secretary may act under section 1552 of title 10 to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from the officer or former officer not being selected for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

''(e) APPLICATION PROCESS AND TIME LIMITS.—The Secretary shall issue regulations regarding the process by which an officer or former officer may apply to have a matter considered by a special selection board convened under this section, including time limits related to such applications.

''(f) LIMITATION OF OTHER JURISDICTION.—No official or court of the United States shall have authority or jurisdiction over any claim based in any way on the failure of an officer or former officer to be selected for promotion by a selection board convened under section 251, until—

''(1) the claim has been referred to a special selection board convened under this section and acted upon by that board; or

''(2) the claim has been rejected by the Secretary without consideration by a special selection board convened under this section.

''(g) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A court of the United States may review—

''(A) a decision of the Secretary not to convene a special selection board under this section to determine if the court finds that the decision of the Secretary was arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law; and

''(B) an action of a special selection board under this section to determine if the court finds that the action of the special selection board was contrary to law or involved material error of fact or material administrative error.

''(2) REMAND AND RECONSIDERATION.—If, with respect to a review under paragraph (1), a court makes a finding described in subparagraph (A) or (B) of that paragraph, the court shall remand the case to the Secretary and the Secretary shall provide the applicable officer or former officer consideration by a new special selection board convened under this section.

''(h) DESIGNATION OF BOARDS.—The Secretary may designate a selection board convened under section 251 as a special selection board convened under this section. A selection board so designated may function in the capacity of a selection board convened under section 251 and a special selection board convened under this section.''.

(b) SELECTION BOARDS; SUBMISSION OF REPORTS.—Section 261(d) of title 14, United States Code, is amended by striking ''selection board'' and inserting ''selection board, including a special selection board convened under section 263,''.

(c) FAILURE OF SELECTION FOR PROMOTION.—Section 262 of title 14, United States Code, is amended to read as follows:

''§ 262. Failure of selection for promotion

''An officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade under section 256 of this title, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.''.

(d) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 262 the following:

''263. Special selection boards; correction of errors.''.

(e) APPLICABILITY; RULE OF CONSTRUCTION.—

(1) APPLICABILITY.—The amendments made by this section shall take effect on the date of enactment of this Act and the Secretary may convene a special selection board on or after that date under section 263 of title 14, United States Code, with respect to any error or other action for which such a board may be convened if that error or other action occurred on or after the date that is 1 year before the date of enactment of this Act.

(2) RULE OF CONSTRUCTION.—Sections 271, 272, and 273 of title 14, United States Code, apply to the activities of—

(A) a selection board convened under section 251 of such title; and

(B) a special selection board convened under section 263 of such title.

SEC. 209. PROHIBITION OF CERTAIN INVOLUNTARY ADMINISTRATIVE SEPARATIONS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 426 the following:

''§ 427. Prohibition of certain involuntary administrative separations

''(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may not authorize the involuntary administrative separation of a covered individual based on a determination that the covered individual is unsuitable for deployment or other assignment due to a medical condition of the covered individual considered by a Physical Evaluation Board during an evaluation of the covered individual that resulted in the covered individual being determined to be fit for duty.

''(b) REEVALUATION.—

''(1) IN GENERAL.—The Secretary may require a Physical Evaluation Board to reevaluate any covered individual if the Secretary determines there is reason to believe that a medical condition of the covered individual considered by a Physical Evaluation Board during an evaluation of the covered individual renders the covered individual unsuitable for continued duty.

''(2) RETIREMENTS AND SEPARATIONS.—A covered individual who is determined, based on a reevaluation under paragraph (1), to be unfit to perform the duties of the covered individual's office, grade, rank, or rating may be retired or separated for physical disability under this chapter.

''(c) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means any member of the Coast Guard who has been determined by a Physical Evaluation Board, pursuant to a physical evaluation by that board, to be fit for duty.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 426 the following:

''427. Prohibition of certain involuntary administrative separations.''.

SEC. 210. MAJOR ACQUISITIONS.

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

''§ 569a. Major acquisitions

''(a) IN GENERAL.—In conjunction with the transmittal by the President to Congress of the budget of the United States for fiscal year 2014 and biennially thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of all major acquisition programs.

''(b) INFORMATION TO BE INCLUDED.—Each report under subsection (a) shall include for each major acquisition program—

''(1) a statement of the Coast Guard's mission needs and performance goals relating to such program, including a justification for any change to those needs and goals subsequent to a report previously submitted under this section;

''(2) a justification explaining how the projected number and capabilities of assets acquired under such program meet applicable mission needs and performance goals;

''(3) an identification of any and all mission hour gaps, accompanied by an explanation of how and when the Coast Guard will close those gaps;

''(4) an identification of any changes with respect to such program, including—

''(A) any changes to the timeline for the acquisition of each new asset and the phase-out of legacy assets; and

''(B) any changes to—

''(i) the costs of new assets or legacy assets for that fiscal year or future fiscal years; or

''(ii) the total acquisition cost;

''(5) a justification explaining how any change to such program fulfills the mission needs and performance goals of the Coast Guard;

''(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

''(7) an identification of how funds in the applicable fiscal year's budget request will be allocated, including information on the purchase of specific assets;

''(8) a projection of the remaining operational lifespan and life-cycle cost of each legacy asset that also identifies any anticipated resource gaps;

''(9) a detailed explanation of how the costs of legacy assets are being accounted for within such program; and

''(10) an annual performance comparison of new assets to legacy assets.

''(c) ADEQUACY OF ACQUISITION WORKFORCE.—Each report under subsection (a) shall—

''(1) include information on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload;

''(2) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under section 562(c) of this subchapter; and

''(3) identify positions that are or will be understaffed and actions that will be taken to correct such understaffing.

''(d) CUTTERS NOT MAINTAINED IN CLASS.—Each report under subsection (a) shall identify which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class, with an explanation detailing the reasons why the cutters have not been maintained in class.

''(e) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to $300,000,000.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 15 of title 14, United States Code, is amended by inserting after the item relating to section 569 the following:

''569a. Major acquisitions.''.

(c) REPEALS.—

(1) Section 408(a) of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 663 note) is repealed.

(2) Title 14, United States Code, is amended—

(A) in section 562, by repealing subsection (e); and

(B) in section 573(c)(3), by repealing subparagraph (B).

SEC. 211. ADVANCE PROCUREMENT FUNDING.

(a) IN GENERAL.—Subchapter II of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

''§ 577. Advance procurement funding

''(a) IN GENERAL.—With respect to any Coast Guard vessel for which amounts are appropriated and any amounts otherwise made available for vessels for the Coast Guard in any fiscal year, the Commandant of the Coast Guard may enter into a contract or place an order, in advance of a contract or order for construction of a vessel, for—

''(1) materials, parts, components, and labor for the vessel;

''(2) the advance construction of parts or components for the vessel;

''(3) protection and storage of materials, parts, or components for the vessel; and

''(4) production planning, design, and other related support services that reduce the overall procurement lead time of the vessel.

''(b) USE OF MATERIALS, PARTS, AND COMPONENTS MANUFACTURED IN THE UNITED STATES.—In entering into contracts and placing orders under subsection (a), the Commandant may give priority to persons that manufacture materials, parts, and components in the United States.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 15 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 576 the following:

''577. Advance procurement funding.''.

SEC. 212. MINOR CONSTRUCTION.

(a) IN GENERAL.—Section 656 of title 14, United States Code, is amended by adding at the end the following:

''(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

''(1) IN GENERAL.—Subject to the reporting requirements set forth in paragraph (2), each fiscal year the Secretary may expend from amounts made available for the operating expenses of the Coast Guard not more than $1,500,000 for minor construction and improvement projects at any location.

''(2) REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on each project undertaken during the course of the preceding fiscal year for which the amount expended under paragraph (1) exceeded $500,000.''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING.—Section 656 of title 14, United States Code, as amended by this Act, is further amended by striking the section designation and heading and inserting the following:

''§ 656. Use of certain appropriated funds''.

(2) ANALYSIS.—The analysis for chapter 17 of title 14, United States Code, is amended by striking the item relating to section 656 and inserting the following:

''656. Use of certain appropriated funds.''.

SEC. 213. CAPITAL INVESTMENT PLAN AND ANNUAL LIST OF PROJECTS TO CONGRESS.

(a) CAPITAL INVESTMENT PLAN.—Section 663 of title 14, United States Code, is amended to read as follows:

''§ 663. Capital investment plan

''(a) IN GENERAL.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

''(1) a capital investment plan for the Coast Guard that identifies for each capital asset for which appropriations are proposed in that budget—

''(A) the proposed appropriations included in the budget;

''(B) the total estimated cost of completion;

''(C) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

''(D) an estimated completion date at the projected funding levels; and

''(E) an acquisition program baseline, as applicable; and

''(2) a list of each unfunded priority for the Coast Guard.

''(b) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority' means a program or mission requirement that—

''(1) has not been selected for funding in the applicable proposed budget;

''(2) is necessary to fulfill a requirement associated with an operational need; and

''(3) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted.''.

(b) ANNUAL LIST OF PROJECTS TO CONGRESS.—Section 693 of title 14, United States Code, is amended to read as follows:

''§ 693. Annual list of projects to Congress

''The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President's budget submission for that fiscal year.''.

(c) CLERICAL AND CONFORMING AMENDMENTS.—

(1) ANALYSIS FOR CHAPTER 17.—The analysis for chapter 17 of title 14, United States Code, as amended by this Act, is further amended by striking the item relating to section 663 and inserting the following:

''663. Capital investment plan.''.

(2) ANALYSIS FOR CHAPTER 19.—The analysis for chapter 19 of title 14, United States Code, is amended by striking the item relating to section 693 and inserting the following:

''693. Annual list of projects to Congress.''.

(3) COAST GUARD AUTHORIZATION ACT OF 2010.—Section 918 of the Coast Guard Authorization Act of 2010 (14 U.S.C. 663 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

SEC. 214. AIRCRAFT ACCIDENT INVESTIGATIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

''§ 678. Aircraft accident investigations

''(a) IN GENERAL.—Whenever the Commandant of the Coast Guard conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Commandant, the records and report of the investigation shall be treated in accordance with this section.

''(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Commandant, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation.

''(2) CONDITIONS.—The Commandant shall only disclose information requested pursuant to paragraph (1) if the Commandant determines—

''(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

''(B) that release of such tapes, reports, or other information—

''(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

''(ii) would not compromise national security.

''(3) RESTRICTION.—A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

''(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following an aircraft accident referred to in subsection (a)—

''(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion of the investigators as to the cause or causes of the accident; and

''(2) if the evidence surrounding the accident is not sufficient for the investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

''(d) USE OF INFORMATION IN CIVIL OR CRIMINAL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident referred to in subsection (a), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such report be considered an admission of liability by the United States or by any person referred to in such report.

''(e) DEFINITIONS.—For purposes of this section—

''(1) the term 'accident investigation' means any form of investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), other than a safety investigation; and

''(2) the term 'safety investigation' means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a) that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 17 of title 14, United States Code, as amended by this Act, is further amended by adding at the end the following:

''678. Aircraft accident investigations.''.

SEC. 215. COAST GUARD AUXILIARY ENROLLMENT ELIGIBILITY.

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended to read as follows:

''§ 823. Eligibility; enrollments

''The Auxiliary shall be composed of nationals of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), and aliens lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))—

''(1) who—

''(A) are owners, sole or part, of motorboats, yachts, aircraft, or radio stations; or

''(B) by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary; and

''(2) who may be enrolled therein pursuant to applicable regulations.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

''823. Eligibility; enrollments.''.

SEC. 216. REPEALS.

(a) DISTRICT OMBUDSMEN.—Section 55 of title 14, United States Code, and the item relating to such section in the analysis for chapter 3 of such title, are repealed.

(b) COOPERATION WITH RESPECT TO AIDS TO AIR NAVIGATION.—Section 82 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(c) OCEAN STATIONS.—Section 90 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(d) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—Section 149(a) of title 14, United States Code, is amended by striking the second and third sentences.

(e) ADVISORY COMMITTEE.—Section 193 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

(f) HISTORY FELLOWSHIPS.—Section 198 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

SEC. 217. TECHNICAL CORRECTIONS TO TITLE 14.

Title 14, United States Code, as amended by this Act, is further amended—

(1) by amending chapter 1 to read as follows:

''CHAPTER 1—ESTABLISHMENT AND DUTIES

''Sec.
''1. Establishment of Coast Guard.
''2. Primary duties.
''3. Department in which the Coast Guard operates.
''4. Secretary defined.

''§ 1. Establishment of Coast Guard

''The Coast Guard, established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times.

''§ 2. Primary duties

''The Coast Guard shall—

''(1) enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States;

''(2) engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States;

''(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States, covering all matters not specifically delegated by law to some other executive department;

''(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, icebreaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

''(5) pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States;

''(6) engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and

''(7) maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities.

''§ 3. Department in which the Coast Guard operates

''(a) IN GENERAL.—The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.

''(b) TRANSFERS.—Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy, who may order changes in Coast Guard operations to render them uniform, to the extent such Secretary deems advisable, with Navy operations.

''(c) OPERATION AS A SERVICE IN THE NAVY.—Whenever the Coast Guard operates as a service in the Navy—

''(1) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

''(2) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

''(3) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;

''(4) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

''(5) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

''§ 4. Secretary defined

''In this title, the term 'Secretary' means the Secretary of the respective department in which the Coast Guard is operating.'';

(2) in section 95(c), by striking ''of Homeland Security'';

(3) in section 259(c)(1), by striking ''After selecting'' and inserting ''In selecting'';

(4) in section 286a(d), by striking ''severance pay'' each place it appears and inserting ''separation pay'';

(5) in the second sentence of section 290(a), by striking ''in the grade of vice admiral'' and inserting ''in or above the grade of vice admiral'';

(6) in section 516(a), by striking ''of Homeland Security'';

(7) by amending section 564 to read as follows:

''§ 564. Prohibition on use of lead systems integrators

''(a) IN GENERAL.—

''(1) USE OF LEAD SYSTEMS INTEGRATOR.—The Commandant may not use a private sector entity as a lead systems integrator.

''(2) FULL AND OPEN COMPETITION.—The Commandant shall use full and open competition for any acquisition contract unless otherwise excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

''(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

''(b) LIMITATION ON FINANCIAL INTEREST IN SUBCONTRACTORS.—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1

subcontractor for any acquisition may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

''(1) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

''(2) the procurement was awarded by an entity performing lead systems integrator functions or a subcontractor through full and open competition;

''(3) the procurement was awarded by a subcontractor through a process over which the entity performing lead systems integrator functions or a Tier 1 subcontractor exercised no control; or

''(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.'';

(8) in section 569(a), by striking ''and annually thereafter,'';

(9) in the analysis for chapter 17—

(A) by striking the item relating to section 669 and inserting the following:

''669. Telephone installation and charges.''; and

(B) by striking the item relating to section 674 and inserting the following:

''674. Small boat station rescue capability.'';

(10) in section 666(a), by striking ''of Homeland Security'' and inserting ''of the department in which the Coast Guard is operating'';

(11) in section 673(a)(3), by striking ''of Homeland Security (when the Coast Guard is not operating as a service in the Navy)'';

(12) in section 674, by striking ''of Homeland Security'';

(13) in section 675(a), by striking ''Secretary'' and all that follows through ''may not'' and inserting ''Secretary may not''; and

(14) in the first sentence of section 740(d), by striking ''that appointment'' and inserting ''that appointment to the Reserve''.

SEC. 218. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is amended—

(1) in subsection (a)(1), by striking ''as shortage category positions;'' and inserting ''as positions for which there exists a shortage of candidates or there is a critical hiring need;'';

(2) in subsection (b)—

(A) by striking ''paragraph'' and inserting ''section''; and

(B) by striking ''2012.'' and inserting ''2015.''; and

(3) in subsection (c), by striking ''section 562(d) of title 14, United States Code, as added by this title,'' and inserting ''section 569a of title 14, United States Code,''.

SEC. 219. RENEWAL OF TEMPORARY EARLY RETIREMENT AUTHORITY.

For fiscal years 2013 through 2018—

(1) notwithstanding subsection (c)(2)(A) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note), such section shall apply to the Coast Guard in the same manner and to the same extent it applies to the Department of Defense, except that—

(A) the Secretary of Homeland Security shall implement such section with respect to the Coast Guard and, for purposes of that implementation, shall apply the applicable provisions of title 14, United States Code, relating to retirement of Coast Guard personnel; and

(B) the total number of commissioned officers who retire pursuant to this section may not exceed 200, and the total number of enlisted members who retire pursuant to this section may not exceed 300; and

(2) only appropriations available for necessary expenses for the operation and maintenance of the Coast Guard shall be expended for the retired pay of personnel who retire pursuant to this section.

SEC. 220. RESPONSE BOAT-MEDIUM PROCUREMENT.

(a) REQUIREMENT TO FULFILL APPROVED PROGRAM OF RECORD.—Except as provided in subsection (b), the Commandant of the Coast Guard shall maintain the schedule and requirements for the total acquisition of 180 boats as specified in the approved program of record for the Response Boat-Medium acquisition program in effect on June 1, 2012.

(b) APPLICABILITY.—Subsection (a) shall not apply on and after the date on which the Commandant submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate such documentation as the Coast Guard Major Systems Acquisition Manual requires to justify reducing the approved program of record for Response Boat-Medium to a total acquisition of less than 180 boats.

SEC. 221. NATIONAL SECURITY CUTTERS.

(a) IN GENERAL.—

(1) MULTIYEAR AUTHORITY.—In fiscal year 2013 and each fiscal year thereafter, the Secretary of the department in which the Coast Guard is operating may enter into, in accordance with section 2306b of title 10, United States Code, a multiyear contract for the procurement of Coast Guard National Security Cutters and Government-furnished equipment associated with the National Security Cutter program.

(2) LIMITATION.—The Secretary may not enter into a contract under paragraph (1) until the date that is 30 days after the date the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a certification that the Secretary has made, with respect to the contract, each of the findings specified under section 2306b(a) of title 10, United States Code, and has done so in accordance with paragraph (3) of this subsection.

(3) DETERMINATION OF SUBSTANTIAL SAVINGS.—For purposes of this section, in conducting an analysis with respect to substantial savings under section 2306b(a)(1) of title 10, United States Code, the Secretary—

(A) may not limit the analysis to a simple percentage-based metric; and

(B) shall employ a full-scale analysis of cost avoidance—

(i) based on a multiyear procurement; and

(ii) taking into account the potential benefit any accrued savings might have for future shipbuilding programs if the cost avoidance savings were subsequently utilized for further ship construction.

(b) CERTIFICATE TO OPERATE.—The Commandant of the Coast Guard may not certify a sixth National Security Cutter as Ready for Operations before the Commandant has—

(1) submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives program execution plans detailing—

(A) how the first 3 National Security Cutters will achieve the goal of 225 days away from homeport in fiscal years following the completion of the Structural Enhancement Drydock Availability of the first 2 National Security Cutters; and

(B) increased aerial coverage to support National Security Cutter operations; and

(2) awarded a contract for detailed design and construction for the Offshore Patrol Cutter.

SEC. 222. COAST GUARD POLAR ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a business case analysis of the options for and costs of reactivating and extending the service life of the *Polar Sea* until at least September 30, 2022, to maintain United States polar icebreaking capabilities and fulfill the Coast Guard's high latitude mission needs, as identified in the Coast Guard's July 2010, High Latitude Study Mission Analysis Report, during the Coast Guard's recapitalization of its polar class icebreaker fleet. The analysis shall include—

(1) an assessment of the current condition of the *Polar Sea*;

(2) a determination of the *Polar Sea's* operational capabilities with respect to fulfilling the Coast Guard's high latitude operating requirements if renovated and reactivated;

(3) a detailed estimate of costs with respect to reactivating and extending the service life of the *Polar Sea*;

(4) a life cycle cost estimate with respect to operating and maintaining the *Polar Sea* for the duration of its extended service life; and

(5) a determination of whether it is cost-effective to reactivate the *Polar Sea* compared with other options to provide icebreaking services as part of a strategy to maintain polar icebreaking services.

(b) RESTRICTIONS.—The Secretary shall not remove any part of the *Polar Sea* until the Secretary submits the analysis required under subsection (a).

(c) DEADLINE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the analysis required under subsection (a).

(d) REQUIREMENT FOR REACTIVATION OF *POLAR SEA*.—

(1) SERVICE LIFE EXTENSION PLAN.—

(A) IN GENERAL.—If the Secretary determines based on the analysis required under subsection (a) that it is cost-effective to reactivate the *Polar Sea* compared with other options to provide icebreaking services, the Secretary shall develop a service life extension plan for such reactivation, including a timetable for such reactivation.

(B) UTILIZATION OF EXISTING RESOURCES.—In the development of the plan required under subparagraph (A), the Secretary shall utilize to the greatest extent practicable recent plans, studies, assessments, and analyses regarding the Coast Guard's icebreakers and high latitude mission needs and operating requirements.

(C) SUBMISSION.—The Secretary shall submit the plan required under subparagraph (A), if so required, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the submission of the analysis required under subsection (a).

(2) DECOMMISSIONING; BRIDGING STRATEGY.—If the analysis required under subsection (a) is submitted in accordance with subsection (c) and the Secretary determines under subsection (a)(5) that it is not cost-effective to reactivate the *Polar Sea*, then not later than 180 days after the date on which the analysis is required to be submitted under subsection (c) the Commandant of the Coast Guard—

(A) may decommission the *Polar Sea*; and

(B) shall submit a bridging strategy for maintaining the Coast Guard's polar icebreaking services until at least September 30, 2022, to the Committee on Transportation and Infrastructure of the House of

Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) RESTRICTION.—Except as provided in subsection (d), the Commandant of the Coast Guard may not—

(1) transfer, relinquish ownership of, dismantle, or recycle the *Polar Sea* or *Polar Star*;

(2) change the current homeport of either of the vessels; or

(3) expend any funds—

(A) for any expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for dock use or other goods and services;

(B) for any personnel expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for a decommissioning officer;

(C) for any expenses associated with a decommissioning ceremony for either of the vessels;

(D) to appoint a decommissioning officer to be affiliated with either of the vessels; or

(E) to place either of the vessels in inactive status.

(f) DEFINITION.—For purposes of this section—

(1) the term ''*Polar Sea*'' means Coast Guard Cutter *Polar Sea* (WAGB 11); and

(2) the term ''*Polar Star*'' means Coast Guard Cutter *Polar Star* (WAGB 10).

(g) REPEAL.—This section shall cease to have effect on September 30, 2022.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

Section 501(b) of title 46, United States Code, is amended—

(1) by striking ''When the head'' and inserting the following:

''(1) IN GENERAL.—When the head''; and

(2) by adding at the end the following:

''(2) DETERMINATIONS.—The Maritime Administrator shall—

''(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

''(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

''(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

''(3) NOTICE TO CONGRESS.—

''(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

''(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

''(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

''(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

''(i) the reasons the waiver is necessary; and

''(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.''.

SEC. 302. LIMITATION OF LIABILITY FOR NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.

(a) IN GENERAL.—Section 2307 of title 46, United States Code, is amended—

(1) by striking the section designation and heading and inserting the following:

''§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators'';

(2) by striking ''Any pilot'' and inserting the following:

''(a) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot''; and

(3) by adding at the end the following:

''(b) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 23 of title 46, United States Code, is amended by striking the item relating to section 2307 and inserting the following:

''2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators.''.

SEC. 303. SURVIVAL CRAFT.

Section 3104 of title 46, United States Code, is amended—

(1) in subsection (b) by striking ''January 1, 2015'' and inserting ''the date that is 30 months after the date on which the report described in subsection (c) is submitted''; and

(2) by adding at the end the following:

''(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the carriage of survival craft that ensures no part of an individual is immersed in water, which shall include—

''(1) the number of casualties, by vessel type and area of operation, as the result of immersion in water reported to the Coast Guard for each of fiscal years 1991 through 2011;

''(2) the effect the carriage of such survival craft has on—

''(A) vessel safety, including stability and safe navigation; and

''(B) survivability of individuals, including persons with disabilities, children, and the elderly;

''(3) the efficacy of alternative safety systems, devices, or measures;

''(4) the cost and cost effectiveness of requiring the carriage of such survival craft on vessels; and

''(5) the number of small businesses and nonprofit entities that would be affected by requiring the carriage of such survival craft on vessels.''.

SEC. 304. CLASSIFICATION SOCIETIES.

Section 3316 of title 46, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following:

''(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.'';

(2) in subsection (d)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following:

''(C) the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.''; and

(3) by adding at the end the following:

''(e) The Secretary shall revoke a delegation made to a classification society under subsection (b) or (d) if the Secretary of State determines that the classification society provides comparable services in or for a state sponsor of terrorism.

''(f) In this section, the term 'state sponsor of terrorism' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.''.

SEC. 305. DOCKSIDE EXAMINATIONS.

(a) IN GENERAL.—Section 4502(f) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)—

(A) by striking ''at least once every 2 years'' and inserting ''at least once every 5 years''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) shall complete the first dockside examination of a vessel under this subsection not later than October 15, 2015.''.

(b) DATABASE.—Section 4502(g)(4) of title 46, United States Code, is amended by striking ''a publicly accessible'' and inserting ''an''.

(c) CERTIFICATION.—Section 4503 of title 46, United States Code, is amended—

(1) in subsection (c), by striking ''July 1, 2012.'' and inserting ''July 1, 2013.'';

(2) in subsection (d)—

(A) in paragraph (1)(B), by striking ''July 1, 2012;'' and inserting ''July 1, 2013;''; and

(B) in paragraph (2)—

(i) by striking ''July 1, 2012,'' each place it appears and inserting ''July 1, 2013,''; and

(ii) by striking ''substantial change to the dimension of or type of vessel'' and inserting ''major conversion''; and

(3) by adding at the end the following:

''(e) For the purposes of this section, the term 'built' means, with respect to a vessel, that the vessel's construction has reached any of the following stages:

''(1) The vessel's keel is laid.

''(2) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.''.

(d) CONFORMING AMENDMENTS.—Chapter 51 of title 46, United States Code, is amended—

(1) in section 5102(b)(3), by striking ''July 1, 2012.'' and inserting ''July 1, 2013.''; and

(2) in section 5103(c)—

(A) by striking ''July 1, 2012,'' each place it appears and inserting ''July 1, 2013,''; and

(B) by striking ''substantial change to the dimension of or type of the vessel'' and inserting ''major conversion''.

SEC. 306. AUTHORITY TO EXTEND THE DURATION OF MEDICAL CERTIFICATES.

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§ 7508. Authority to extend the duration of medical certificates

''(a) GRANTING OF EXTENSIONS.—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner's document, or certificate of registry issued under chapter 71 or 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for medical certificates or is in response to a national emergency or natural disaster.

''(b) MANNER OF EXTENSION.—An extension under this section may be granted to individual seamen or a specifically identified group of seamen.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''7508. Authority to extend the duration of medical certificates.''.

SEC. 307. CLARIFICATION OF RESTRICTIONS ON AMERICAN FISHERIES ACT VESSELS.

Section 12113(d)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking ''that the regional'' and inserting the following: ''that—

''(i) the regional'';

(B) by striking the semicolon and inserting ''; and''; and

(C) by adding at the end the following:

''(ii) in the case of a vessel listed in paragraphs (1) through (20) of section 208(e) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–625 et seq.), the vessel is neither participating in nor eligible to participate in the non–AFA trawl catcher processor subsector (as that term is defined under section 219(a)(7) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2887));''; and

(2) by amending subparagraph (C) to read as follows:

''(C) the vessel—

''(i) is either a rebuilt vessel or replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627);

''(ii) is eligible for a fishery endorsement under this section; and

''(iii) in the case of a vessel listed in paragraphs (1) through (20) of section 208(e) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–625 et seq.), is neither participating in nor eligible to participate in the non–AFA trawl catcher processor subsector (as that term is defined under section 219(a)(7) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2887); or''.

SEC. 308. INVESTIGATIONS BY SECRETARY.

(a) IN GENERAL.—Chapter 121 of title 46, United States Code, is amended by inserting after section 12139 the following:

"§ 12140. Investigations by Secretary

''(a) IN GENERAL.—The Secretary may conduct investigations and inspections regarding compliance with this chapter and regulations prescribed under this chapter.

''(b) AUTHORITY TO OBTAIN EVIDENCE.—

''(1) IN GENERAL.—For the purposes of any investigation conducted under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence relevant to the matter under investigation if—

''(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General as to whether the subpoena—

''(i) is reasonable; and

''(ii) will interfere with a criminal investigation; and

''(B) the Attorney General—

''(i) determines that the subpoena is reasonable and will not interfere with a criminal investigation; or

''(ii) fails to make a determination with respect to the subpoena before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A) with respect to the subpoena.

''(2) ENFORCEMENT.—In the case of a refusal to obey a subpoena issued to any person under this section, the Secretary may invoke the aid of the appropriate district court of the United States to compel compliance.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 121 of title 46, United States Code, is amended by inserting after the item relating to section 12139 the following:

''12140. Investigations by Secretary.''.

SEC. 309. PENALTIES.

Section 12151(a) of title 46, United States Code, is amended—

(1) by striking ''A person that violates'' and inserting the following:

''(1) CIVIL PENALTIES.—Except as provided in paragraph (2), a person that violates'';

(2) by striking ''$10,000'' and inserting ''$15,000''; and

(3) by adding at the end the following:

''(2) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—A person that violates section 12111(d) or a regulation prescribed under that section is liable to the United States Government for a civil penalty in an amount that is $25,000 or twice the charter rate of the vessel involved in the violation (as determined by the Secretary), whichever is greater. Each day of a continuing violation is a separate violation.''.

SEC. 310. UNITED STATES COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Chapter 555 of title 46, United States Code, is amended by adding at the end the following:

"§ 55502. United States Committee on the Marine Transportation System

''(a) ESTABLISHMENT.—There is established a United States Committee on the Marine Transportation System (in this section referred to as the 'Committee').

''(b) PURPOSE.—The Committee shall serve as a Federal interagency coordinating committee for the purpose of—

''(1) assessing the adequacy of the marine transportation system (including ports, waterways, channels, and their intermodal connections);

''(2) promoting the integration of the marine transportation system with other modes of transportation and other uses of the marine environment; and

''(3) coordinating, improving the coordination of, and making recommendations with regard to Federal policies that impact the marine transportation system.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall consist of—

''(A) the Secretary of Transportation;

''(B) the Secretary of Defense;

''(C) the Secretary of Homeland Security;

''(D) the Secretary of Commerce;

''(E) the Secretary of the Treasury;

''(F) the Secretary of State;

''(G) the Secretary of the Interior;

''(H) the Secretary of Agriculture;

''(I) the Attorney General;

''(J) the Secretary of Labor;

''(K) the Secretary of Energy;

''(L) the Administrator of the Environmental Protection Agency;

''(M) the Chairman of the Federal Maritime Commission;

''(N) the Chairman of the Joint Chiefs of Staff; and

''(O) the head of any other Federal agency who a majority of the voting members of the Committee determines can further the purpose and activities of the Committee.

''(2) NONVOTING MEMBERS.—The Committee may include as many nonvoting members as a majority of the voting members of the Committee determines is appropriate to further the purpose and activities of the Committee.

''(d) SUPPORT.—

''(1) COORDINATING BOARD.—

''(A) IN GENERAL.—There is hereby established, within the Committee, a Coordinating Board. Each member of the Committee may select a senior level representative to serve on such Board. The Board shall assist the Committee in carrying out its purpose and activities.

''(B) CHAIR.—There shall be a Chair of the Coordinating Board. The Chair of the Coordinating Board shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined by a majority of the voting members of the Committee.

''(2) EXECUTIVE DIRECTOR.—The Secretary of Transportation, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce, shall appoint an Executive Director of the Committee.

''(3) TRANSFERS.—Notwithstanding any other provision of law, the head of a Federal department or agency who is a member of the Committee may—

''(A) provide, on a reimbursable or nonreimbursable basis, facilities, equipment, services, personnel, and other support services to carry out the activities of the Committee; and

''(B) transfer funds to another Federal department or agency in order to carry out the activities of the Committee.

''(e) MARINE TRANSPORTATION SYSTEM ASSESSMENT AND STRATEGY.—Not later than one year after the date of enactment of this Act and every 5 years thereafter, the Committee shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

''(1) steps taken to implement actions recommended in the document titled 'National Strategy for the Marine Transportation System: A Framework for Action' and dated July 2008;

''(2) an assessment of the condition of the marine transportation system;

''(3) a discussion of the challenges the marine transportation system faces in meeting user demand, including estimates of investment levels required to ensure system infrastructure meets such demand;

''(4) a plan, with recommended actions, for improving the marine transportation system to meet current and future challenges; and

''(5) steps taken to implement actions recommended in previous reports required under this subsection.

''(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with marine transportation system-related advisory committees, interested parties, and the public.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 555 of title 46, United States Code, is amended by adding at the end the following:

''55502. United States Committee on the Marine Transportation System.''.

SEC. 311. TECHNICAL CORRECTION TO TITLE 46.

Section 7507(a) of title 46, United States Code, is amended by striking ''73'' each place it appears and inserting ''71''.

SEC. 312. DEEPWATER PORTS.

Section 3(9)(A) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(9)(A)) is amended by inserting ''or from'' before ''any State''.

TITLE IV—MARITIME ADMINISTRATION AUTHORIZATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Maritime Administration Authorization Act for Fiscal Year 2013''.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2013.

Funds are hereby authorized to be appropriated for fiscal year 2013, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $77,253,000, of which—

(A) $67,253,000 shall remain available until expended for Academy operations; and

(B) $10,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $16,045,000, of which—

(A) $2,400,000 shall remain available until expended for student incentive payments;

(B) $2,545,000 shall remain available until expended for direct payments to such academies; and

(C) $11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $12,717,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $186,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $3,750,000, all of which shall remain available until expended for administrative expenses of the program.

SEC. 403. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

''§ 50307. Maritime environmental and technical assistance program

''(a) IN GENERAL.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and nongovernmental entities and facilities.

''(b) COMPONENTS.—Under this section, the Secretary of Transportation may—

''(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

''(A) reducing air emissions, water emissions, or other ship discharges;

''(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

''(C) controlling aquatic invasive species; and

''(2) coordinate with the Environmental Protection Agency, the Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

''(c) COORDINATION.—Coordination under subsection (b)(2) may include—

''(1) activities that are associated with the development or approval of validation and testing regimes; and

''(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

''(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and nongovernmental entities and facilities to carry out the activities authorized under subsection (a).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

''50307. Maritime environmental and technical assistance program.''.

SEC. 404. PROPERTY FOR INSTRUCTIONAL PURPOSES.

Section 51103(b) of title 46, United States Code, is amended—

(1) in the subsection heading, by striking ''SURPLUS'';

(2) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Secretary may cooperate with and assist the institutions named in paragraph (2) by making vessels, fuel, shipboard equipment, and other marine equipment, owned by the United States Government and determined by the entity having custody and control of such property to be excess or surplus, available to those institutions for instructional purposes, by gift, loan, sale, lease, or charter on terms and conditions the Secretary considers appropriate. The consent of the Secretary of the Navy shall be obtained with respect to any property from National Defense Reserve Fleet vessels, if such vessels are either Ready Reserve Force vessels or other National Defense Reserve Fleet vessels determined to be of sufficient value to the Navy to warrant their further preservation and retention.''; and

(3) in paragraph (2)(C), by inserting ''or a training institution that is an instrumentality of a State, the District of Columbia, a territory or possession of the United States, or a unit of local government thereof'' after ''a nonprofit training institution''.

SEC. 405. SHORT SEA TRANSPORTATION.

(a) PURPOSE.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''landside congestion.'' and inserting ''landside congestion or to promote short sea transportation.'';

(2) in subsection (c), by striking ''coastal corridors'' and inserting ''coastal corridors or to promote short sea transportation'';

(3) in subsection (d), by striking ''that the project may'' and all that follows through the end of the subsection and inserting ''that the project uses documented vessels and—

''(1) mitigates landside congestion; or

''(2) promotes short sea transportation.''; and

(4) in subsection (f), by striking ''shall'' each place it appears and inserting ''may''.

(b) DOCUMENTATION.—Section 55605 is amended in the matter preceding paragraph (1) by striking ''by vessel'' and inserting ''by a documented vessel''.

SEC. 406. LIMITATION OF NATIONAL DEFENSE RESERVE FLEET VESSELS TO THOSE OVER 1,500 GROSS TONS.

Section 57101(a) of title 46, United States Code, is amended by inserting ''of 1,500 gross tons or more or such other vessels as the Secretary of Transportation determines are appropriate'' after ''Administration''.

SEC. 407. TRANSFER OF VESSELS TO THE NATIONAL DEFENSE RESERVE FLEET.

Section 57101 of title 46, United States Code, is amended by adding at the end the following:

''(c) AUTHORITY OF FEDERAL ENTITIES TO TRANSFER VESSELS.—All Federal entities are authorized to transfer vessels to the National Defense Reserve Fleet without reimbursement subject to the approval of the Secretary of Transportation and the Secretary of the Navy with respect to Ready Reserve Force vessels and the Secretary of Transportation with respect to all other vessels.''.

SEC. 408. CLARIFICATION OF HEADING.

(a) IN GENERAL.—The section designation and heading for section 57103 of title 46, United States Code, is amended to read as follows:

''§ 57103. Donation of nonretention vessels in the National Defense Reserve Fleet''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 571 of title 46, United States Code, is amended by striking the item relating to section 57103 and inserting the following:

''57103. Donation of nonretention vessels in the National Defense Reserve Fleet.''.

SEC. 409. MISSION OF THE MARITIME ADMINISTRATION.

Section 109(a) of title 49, United States Code, is amended—

(1) in the subsection heading by striking ''ORGANIZATION'' and inserting ''ORGANIZATION AND MISSION''; and

(2) by adding at the end the following: ''The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.''.

SEC. 410. AMENDMENTS RELATING TO THE NATIONAL DEFENSE RESERVE FLEET.

Subparagraphs (B), (C), and (D) of section 11(c)(1) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)) are amended to read as follows:

''(B) activate and conduct sea trials on each vessel at a frequency that is considered by the Secretary to be necessary;

''(C) maintain and adequately crew, as necessary, in an enhanced readiness status those vessels that are scheduled to be activated in 5 or less days;

''(D) locate those vessels that are scheduled to be activated near embarkation ports specified for those vessels; and''.

SEC. 411. REQUIREMENT FOR BARGE DESIGN.

Not later than 270 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

SEC. 412. CONTAINER-ON-BARGE TRANSPORTATION.

(a) ASSESSMENT.—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) FACTORS.—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with antitrust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) RECOMMENDATIONS.—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 413. DEPARTMENT OF DEFENSE NATIONAL STRATEGIC PORTS STUDY AND COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.

(a) SENSE OF CONGRESS ON COMPLETION OF DOD REPORT.—It is the sense of Congress that the Secretary of Defense should expedite completion of the study of strategic ports in the United States called for in the conference report to accompany the National Defense Authorization Act for Fiscal Year 2012 (Conference Report 112–329) so that it can be submitted to Congress before July 1, 2013.

(b) SUBMISSION OF REPORT TO COMPTROLLER GENERAL.—In addition to submitting the report referred to in subsection (a) to Congress, the Secretary of Defense shall submit the report to the Comptroller General of the United States for consideration under subsection (c).

(c) COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.—

(1) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after receipt of the report referred to in subsection (a), the Comptroller General shall conduct an assessment of the report and submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report of such assessment.

(2) COMPTROLLER GENERAL STUDY AND REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall conduct a study of the Department of Defense's programs and efforts related to the state of strategic ports with respect to the Department's operational and readiness requirements, and report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate on the findings of such study. The report may include an assessment of—

(A) the extent to which the facilities at strategic ports meet the Department of Defense's requirements;

(B) the extent to which the Department has identified gaps in the ability of existing strategic ports to meet its needs and identified and undertaken efforts to address any gaps; and

(C) the Department's ability to oversee, coordinate, and provide security for military deployments through strategic ports.

(d) STRATEGIC PORT DEFINED.—In this section, the term ''strategic port'' means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo throughput capacity of the Department of Defense.

SEC. 414. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 415. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts.

(b) CONTENTS.—The assessment under subsection (a) shall include a review of—

(1) whether the Maritime Administration's contract source selection procedures and practices are consistent with law, including the Federal Acquisition Regulation, and Federal best practices associated with making source selection decisions;

(2) the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities; and

(3) any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

(c) FINDINGS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall report the findings of the assessment under subsection (a) to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

TITLE V—PIRACY

SEC. 501. SHORT TITLE.

This title may be cited as the ''Piracy Suppression Act of 2012''.

SEC. 502. TRAINING FOR USE OF FORCE AGAINST PIRACY.

(a) IN GENERAL.—Chapter 517 of title 46, United States Code, is amended by adding at the end the following:

''§ 51705. Training for use of force against piracy

''The Secretary of Transportation, in consultation with the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, shall certify a training curriculum for United States mariners on the use of force against pirates. The curriculum shall include—

''(1) information on waters designated as high-risk waters by the Commandant of the Coast Guard;

''(2) information on current threats and patterns of attack by pirates;

''(3) tactics for defense of a vessel, including instruction on the types, use, and limitations of security equipment;

''(4) standard rules for the use of force for self-defense as developed by the Secretary of the department in which the Coast Guard is operating under section 912(c) of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 46 U.S.C. 8107 note), including instruction on firearm safety for crewmembers of vessels carrying cargo under section 55305 of this title; and

''(5) procedures to follow to improve crewmember survivability if captured and taken hostage by pirates.''.

(b) DEADLINE.—The Secretary of Transportation shall certify the curriculum required under the amendment made by subsection (a) not later than 270 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The analysis for chapter 517 of title 46, United States Code, is amended by adding at the end the following:

''51705. Training program for use of force against piracy.''.

SEC. 503. SECURITY OF GOVERNMENT-IMPELLED CARGO.

Section 55305 of title 46, United States Code, is amended by adding at the end the following:

''(e) SECURITY OF GOVERNMENT-IMPELLED CARGO.—

''(1) In order to ensure the safety of vessels and crewmembers transporting equipment, materials, or commodities under this section, the Secretary of Transportation shall direct each department or agency (except the Department of Defense), when responsible for the carriage of such equipment, materials, or commodities, to provide armed personnel aboard vessels of the United States carrying such equipment, materials, or commodities if the vessels are transiting high-risk waters.

''(2) The Secretary of Transportation shall direct each department or agency responsible to provide armed personnel under paragraph (1) to reimburse, subject to the availability of appropriations, the owners or operators of applicable vessels for the cost of providing armed personnel.

''(3) In this subsection, the term 'high-risk waters' means waters so designated by the Commandant of the Coast Guard in the Port Security Advisory in effect on the date on which an applicable voyage begins.''.

SEC. 504. ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED VESSELS FROM PIRACY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, shall provide to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate a report on actions taken by the Secretary of Defense to protect foreign-flagged vessels from acts of piracy on the high seas. The report shall include—

(1) the total number of incidents for each of the fiscal years 2009 through 2012 in which a member of the armed services or an asset under the control of the Secretary of Defense was used to interdict or defend against an act of piracy directed against any vessel not documented under the laws of the United States; and

(2) the estimated cost for each of the fiscal years 2009 through 2012 for such incidents.

TITLE VI—MARINE DEBRIS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Marine Debris Act Amendments of 2012''.

SEC. 602. SHORT TITLE AMENDMENT; REFERENCES.

(a) SHORT TITLE AMENDMENT.—Section 1 of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 note) is amended by striking ''Research, Prevention, and Reduction''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Debris Act (33 U.S.C. 1951 et seq.), as so retitled by subsection (a) of this section.

SEC. 603. PURPOSE.

Section 2 (33 U.S.C. 1951) is amended to read as follows:

''SEC. 2. PURPOSE.

''The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.''.

SEC. 604. NOAA MARINE DEBRIS PROGRAM.

(a) NAME OF PROGRAM.—Section 3 (33 U.S.C. 1952) is amended—

(1) in the section heading by striking ''**PREVENTION AND REMOVAL**''; and

(2) in subsection (a)—

(A) by striking ''Prevention and Removal Program to reduce and prevent the occurrence and'' and inserting ''Program to identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the'';

(B) by inserting ''the economy of the United States,'' after ''marine debris on''; and

(C) by inserting a comma after ''environment''.

(b) PROGRAM COMPONENTS.—Section 3(b) (33 U.S.C. 1952(b)) is amended to read as follows:

''(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall—

''(1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;

''(2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

''(3) undertake efforts to reduce the adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

''(A) research and development of alternatives to gear posing threats to the marine environment and methods for marking gear used in certain fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

''(B) the development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in gear recovery;

''(4) undertake outreach and education activities for the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identifying, determining sources of, assessing, preventing, reducing, and removing marine debris and its adverse impacts on the United States economy, the marine environment, and navigation safety, including outreach and education activities through public-private initiatives; and

''(5) develop, in consultation with the Interagency Committee, interagency plans for the timely response to events determined by the Administrator to be severe marine debris events, including plans to—

''(A) coordinate across agencies and with relevant State, tribal, and local governments to ensure adequate, timely, and efficient response;

''(B) assess the composition, volume, and trajectory of marine debris associated with a severe marine debris event; and

''(C) estimate the potential impacts of a severe marine debris event, including economic impacts on human health, navigation safety, natural resources, tourism, and livestock, including aquaculture.''.

(c) GRANT CRITERIA AND GUIDELINES.—Section 3(c) (33 U.S.C. 1952(c)) is amended—

(1) in paragraph (1), by striking ''section 2(1)'' and inserting ''section 2'';

(2) by striking paragraph (5); and

(3) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(d) REPEAL.—Section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915), and the item relating to that section in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987, are repealed.

SEC. 605. REPEAL OF OBSOLETE PROVISIONS.

Section 4 (33 U.S.C. 1953) is amended—

(1) by striking ''(a) STRATEGY.—''; and

(2) by striking subsections (b) and (c).

SEC. 606. COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—

(1) IN GENERAL.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is redesignated and moved to replace and appear as section 5 of the Marine Debris Act (33 U.S.C. 1954), as so retitled by section 602(a) of this title.

(2) CONFORMING AMENDMENT.—Section 5 of the Marine Debris Act (33 U.S.C. 1954), as amended by paragraph (1) of this subsection, is further amended in subsection (d)(2)—

(A) by striking ''this Act'' and inserting ''the Marine Plastic Pollution Research and Control Act of 1987''; and

(B) by inserting ''of the Marine Plastic Pollution Research and Control Act of 1987'' after ''section 2201''.

(3) CLERICAL AMENDMENT.—The item relating to section 2203 in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 is repealed.

(b) BIENNIAL PROGRESS REPORTS.—Section 5(c)(2) of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1954(c)(2)), as in effect immediately before the enactment of this Act—

(1) is redesignated and moved to appear as subsection (e) at the end of section 5 of the Marine Debris Act, as amended by subsection (a) of this section; and

(2) is amended—

(A) by striking ''ANNUAL PROGRESS REPORTS.—'' and all that follows through ''thereafter'' and inserting ''BIENNIAL PROGRESS REPORTS.—Biennially'';

(B) by striking ''Interagency'' each place it appears;

(C) by striking ''chairperson'' and inserting ''Chairperson'';

(D) by inserting ''Natural'' before ''Resources'';

(E) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(F) by moving all text 2 ems to the left.

SEC. 607. CONFIDENTIALITY OF SUBMITTED INFORMATION.

Section 6(2) (33 U.S.C. 1955(2)) is amended by striking ''by the fishing industry''.

SEC. 608. DEFINITIONS.

Section 7 (33 U.S.C. 1956) is amended—

(1) in paragraph (2), by striking ''2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914)'' and inserting ''5 of this Act'';

(2) by striking paragraph (3) and inserting the following:

''(3) MARINE DEBRIS.—The term 'marine debris' means any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.'';

(3) by striking paragraph (5);

(4) by redesignating paragraph (7) as paragraph (5);

(5) in paragraph (5), as redesignated by paragraph (4) of this section, by striking ''Prevention and Removal'';

(6) by striking paragraph (6) and inserting the following:

''(6) SEVERE MARINE DEBRIS EVENT.—The term 'severe marine debris event' means atypically large amounts of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source.''; and

(7) by redesignating paragraph (8) as paragraph (7).

SEC. 609. SEVERE MARINE DEBRIS EVENT DETERMINATION.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall determine whether the March 2011, Tohoku earthquake and subsequent tsunami and the October 2012, hurricane Sandy each caused a severe marine debris event (as that term is defined in section 7(6) of the Marine Debris Act (33 U.S.C. 1956(6)), as amended by this Act).

(b) DEADLINE.—Not later than 30 days after the date of enactment of this Act, the Administrator shall provide the determination required under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.

TITLE VII—MISCELLANEOUS

SEC. 701. DISTANT WATER TUNA FLEET.

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 547) is amended—

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

''(b) LICENSING RESTRICTIONS.—

''(1) IN GENERAL.—Subsection (a) only applies to a foreign citizen who holds a credential that is equivalent to the credential issued by the Coast Guard to a United States citizen for the position, with respect to requirements for experience, training, and other qualifications.

''(2) TREATMENT OF CREDENTIAL.—An equivalent credential under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the credential is in the service of the vessel to which this section applies.'';

(2) in subsection (c) by inserting ''or Guam'' before the period at the end; and

(3) in subsection (d) by striking ''on December 31, 2012'' and inserting ''on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article 12.6 or 12.7 of such treaty, as in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2012''.

SEC. 702. TECHNICAL CORRECTIONS.

(a) STUDY OF BRIDGES.—Section 905 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 33 U.S.C. 494a) is amended to read as follows:

''SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

''The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the construction or alteration of any bridge, drawbridge, or causeway over the navigable waters of the United States with a channel depth of 25 feet or greater that may impede or obstruct future navigation to or from port facilities and for which a permit under the Act of March 23, 1906 (33 U.S.C. 491 et seq.), popularly known as the Bridge Act of 1906, was requested during the period beginning on January 1, 2006, and ending on August 3, 2011.''.

(b) WAIVER.—Section 7(c) of the America's Cup Act of 2011 (125 Stat. 755) is amended by inserting ''located in Ketchikan, Alaska'' after ''moorage''.

SEC. 703. EXTENSION OF MORATORIUM.

Section 2(a) of Public Law 110–299 (33 U.S.C. 1342 note) is amended by striking ''2013'' and inserting ''2014''.

SEC. 704. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of the Security and Accountability For Every Port Act of 2006 (33 U.S.C. 1223 note) dealing with notice of arrival requirements for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless the vessel arrives from a foreign port or place.

SEC. 705. WAIVERS.

(a) *TEXAS STAR CASINO*.—

(1) IN GENERAL.—Notwithstanding section 12113(a)(4) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a fishery endorsement for the *Texas Star Casino* (IMO number 7722047).

(2) RESTRICTION.—Notwithstanding section 12113(b)(1) of title 46, United States Code, a fishery endorsement issued under paragraph (1) is not valid for any fishery for which a fishery management plan has been approved by the Secretary of Commerce pursuant to section 304 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854) before the date of enactment of this Act.

(b) *RANGER III*.—Section 3703a of title 46, United States Code, does not apply to the passenger vessel *Ranger III* (United States official number 277361), during any period that the vessel is owned and operated by the National Park Service.

SEC. 706. NATIONAL RESPONSE CENTER NOTIFICATION REQUIREMENTS.

The Ohio River Valley Water Sanitation Commission, established pursuant to the Ohio River Valley Water Sanitation Compact consented to and approved by Congress in the Act of July 11, 1940 (54 Stat. 752), is deemed a Government agency for purposes of the notification requirements of section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603). The National Response Center shall convey notification, including complete and unredacted incident reports, expeditiously to the Commission regarding each release in or affecting the Ohio River Basin for which notification to all appropriate Government agencies is required.

SEC. 707. VESSEL DETERMINATIONS.

The vessel with United States official number 981472 and the vessel with United States official number 988333 shall each be deemed to be a new vessel effective on the date of delivery after January 1, 2008, from a privately owned United States shipyard if no encumbrances are on record with the Coast Guard at the time of the issuance of the new vessel certificate of documentation for each vessel.

SEC. 708. MILLE LACS LAKE, MINNESOTA.

The waters of Mille Lacs Lake, Minnesota, are not waters subject to the jurisdiction of the United States for the purposes of section 2 of title 14, United States Code.

SEC. 709. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROCESS REFORM.

Not later than 270 days after the date of enactment of this Act, the Secretary of Homeland Security shall reform the process for Transportation Worker Identification Credential enrollment, activation, issuance, and renewal to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

SEC. 710. INVESTMENT AMOUNT.

Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall increase the $22,500,000 invested in income-producing securities for purposes of section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by $12,851,340.

SEC. 711. INTEGRATED CROSS-BORDER MARITIME LAW ENFORCEMENT OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

(a) AUTHORIZATION.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may establish an Integrated Cross-Border Maritime Law Enforcement Operations Program to coordinate the maritime security operations of the United States and Canada (in this section referred to as the ''Program'').

(b) PURPOSE.—The Secretary, acting through the Commandant, shall administer the Program in a manner that results in a cooperative approach between the United States and Canada to strengthen border security and detect, prevent, suppress, investigate, and respond to terrorism and violations of law related to border security.

(c) TRAINING.—The Secretary, acting through the Commandant and in consultation with the Secretary of State, may—

(1) establish, as an element of the Program, a training program for individuals who will serve as maritime law enforcement officers; and

(2) conduct training jointly with Canada to enhance border security, including training—

(A) on the detection and apprehension of suspected terrorists and individuals attempting to unlawfully cross or unlawfully use the international maritime border between the United States and Canada;

(B) on the integration, analysis, and dissemination of port security information by and between the United States and Canada;

(C) on policy, regulatory, and legal considerations related to the Program;

(D) on the use of force in maritime security;

(E) on operational procedures and protection of sensitive information; and

(F) on preparedness and response to maritime terrorist incidents.

(d) COORDINATION.—The Secretary, acting through the Commandant, shall coordinate the Program with other similar border security and antiterrorism programs within the Department of Homeland Security.

(e) MEMORANDA OF AGREEMENT.—The Secretary may enter into any memorandum of agreement necessary to carry out the Program.

SEC. 712. BRIDGE PERMITS.

(a) IN GENERAL.—For the purposes of reviewing a permit application pursuant to section 9 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401), the Act of March 23, 1906, popularly known as the Bridge Act of 1906 (33 U.S.C. 491 et seq.), the Act of June 21, 1940, popularly known as the Truman-Hobbs Act (33 U.S.C. 511 et seq.), or the General Bridge Act of 1946 (33 U.S.C. 525 et seq.), the Secretary of the department in which the Coast Guard is operating may—

(1) accept voluntary services from one or more owners of a bridge; and

(2) accept and credit to Coast Guard operating expenses any amounts received from one or more owners of a bridge.

(b) EXPEDITED PROCESS.—The Secretary of the department in which the Coast Guard is operating shall complete, on an expeditious basis and using the shortest existing applicable process, determinations on any required approval for issuance of any permits under the jurisdiction of such department related to the construction or alteration of a bridge over the Kill Van Kull consistent with Executive Order 13604 (March 22, 2012) and the Administration's objectives for the project.

SEC. 713. TONNAGE OF AQUEOS ACADIAN.

The Secretary of the department in which the Coast Guard is operating may consider the tonnage measurements for the vessel *Aqueos Acadian* (United States official number 553645) recorded on the certificate of inspection for the vessel issued on September 8, 2011, to be valid until May 2, 2014, if the vessel and the use of its space is not changed after November 16, 2012, in a way that substantially affects the tonnage of the vessel.

SEC. 714. NAVIGABILITY DETERMINATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the impact of additional regulatory requirements imposed on passenger vessels operating on the Ringo Cocke Canal in Louisiana as a result of the covered navigability determination.

(b) RESTRICTION.—Before the date that is 180 days after the date on which the assessment required under subsection (a) is submitted, the Commandant may not enforce any regulatory requirements imposed on passenger vessels operating on the Ringo Cocke Canal in Louisiana that are a result of the covered navigability determination.

(c) COVERED NAVIGABILITY DETERMINATION DEFINED.—In this section, the term ''covered navigability determination'' means the Coast Guard's Navigability Determination for Ringo Cocke Canal, Louisiana, dated March 25, 2010.

SEC. 715. COAST GUARD HOUSING.

Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation

of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the Coast Guard's National Housing Assessment and any analysis conducted by the Coast Guard of such assessment.

SEC. 716. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH-LATITUDE REGIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an assessment of the need for additional Coast Guard prevention and response capability in the high-latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the assessment—

(1) an analysis of the high-latitude operating capabilities of all current Coast Guard assets other than icebreakers, including assets acquired under the Deepwater program;

(2) an analysis of projected needs for Coast Guard operations in the high-latitude regions; and

(3) an analysis of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard operations in the high-latitude regions, including forward operating bases and existing infrastructure in the furthest north locations that are ice free, or nearly ice free, year round.

SEC. 717. POTENTIAL PLACE OF REFUGE.

(a) CONSULTATION.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall consult with appropriate Federal agencies and with State and local interests to determine what improvements, if any, are necessary to designate existing ice-free facilities or infrastructure in the Central Bering Sea as a fully functional, year-round Potential Place of Refuge.

(b) PURPOSES.—The purposes of the consultation under subsection (a) shall be to enhance safety of human life at sea and protect the marine environment in the Central Bering Sea.

(c) DEADLINE FOR SUBMISSION.—Not later than 90 days after making the determination under subsection (a), the Commandant shall inform the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing of the findings under subsection (a).

SEC. 718. MERCHANT MARINER MEDICAL EVALUATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the Coast Guard National Maritime Center's merchant mariner medical evaluation program and alternatives to the program.

(b) CONTENTS.—The assessment required under subsection (a) shall include the following:

(1) An overview of the adequacy of the program for making medical certification determinations for issuance of merchant mariners' documents.

(2) An analysis of how a system similar to the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners program, and the Federal Aviation Administration's Designated Aviation Medical Examiners program, could be applied by the Coast Guard in making medical fitness determinations for issuance of merchant mariners' documents.

(3) An explanation of how the amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, that entered into force on January 1, 2012, required changes to the Coast Guard's merchant mariner medical evaluation program.

SEC. 719. DETERMINATIONS.

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of—

(1) the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards;

(2) enforcement of the Coast Guard's foreign rebuild determination regulations; and

(3) recommendations for improving transparency in the Coast Guard's foreign rebuild determination process.

SEC. 720. IMPEDIMENTS TO THE UNITED STATES-FLAG REGISTRY.

(a) ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of factors under the authority of the Coast Guard that impact the ability of vessels documented in the United States to effectively compete in international transportation markets.

(b) CONTENT.—The assessment under subsection (a) shall include—

(1) a review of differences between Coast Guard policies and regulations governing the inspection of vessels documented in the United States and International Maritime Organization policies and regulations governing the inspection of vessels not documented in the United States;

(2) a statement on the impact such differences have on operating costs for vessels documented in the United States; and

(3) recommendations on whether to harmonize any such differences.

(c) CONSULTATION.—In preparing the assessment under subsection (a), the Commandant may consider the views of representatives of the owners or operators of vessels documented in the United States and the organizations representing the employees employed on such vessels.

SEC. 721. ARCTIC DEEPWATER SEAPORT.

(a) STUDY.—The Commandant of the Coast Guard, in consultation with the Commanding General of the Army Corps of Engineers, the Maritime Administrator, and the Chief of Naval Operations, shall conduct a study on the feasibility of establishing a deepwater seaport in the Arctic to protect and advance strategic United States interests within the Arctic region.

(b) SCOPE.—The study under subsection (a) shall include an analysis of—

(1) the capability provided by a deepwater seaport that—

(A) is in the Arctic (as that term is defined in the section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111)); and

(B) has a depth of not less than 34 feet;

(2) the potential and optimum locations for such deepwater seaport;

(3) the resources needed to establish such deepwater seaport;

(4) the timeframe needed to establish such deepwater seaport;

(5) the infrastructure required to support such deepwater seaport; and

(6) any other issues the Secretary considers necessary to complete the study.

(c) DEADLINE FOR SUBMISSION OF FINDINGS.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit the findings of the study under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 722. RISK ASSESSMENT OF TRANSPORTING CANADIAN OIL SANDS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall assess the increased vessel traffic in the Salish Sea (including Puget Sound, the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de Fuca), that may occur from the transport of Canadian oil sands oil.

(b) SCOPE.—The assessment required under subsection (a) shall, at a minimum, consider—

(1) the extent to which vessel (including barge, tanker, and supertanker) traffic may increase due to Canadian oil sands development;

(2) whether the transport of oil from Canadian oil sands within the Salish Sea is likely to require navigation through United States territorial waters;

(3) the rules or regulations that restrict supertanker traffic in United States waters, including an assessment of whether there are methods to bypass those rules or regulations in such waters and adjacent Canadian waters;

(4) the rules or regulations that restrict the amount of oil transported in tankers or barges in United States waters, including an assessment of whether there are methods to bypass those rules or regulations in such waters and adjacent Canadian waters;

(5) the spill response capability throughout the shared waters of the United States and Canada, including oil spill response planning requirements for vessels bound for one nation transiting through the waters of the other nation;

(6) the vessel emergency response towing capability at the entrance to the Strait of Juan de Fuca;

(7) the agreement between the United States and Canada that outlines requirements for laden tank vessels to be escorted by tug boats;

(8) whether oil extracted from oil sands has different properties from other types of oil, including toxicity and other properties, that may require different maritime clean up technologies;

(9) a risk assessment of the increasing supertanker, tanker, and barge traffic associated with Canadian oil sands development or expected to be associated with Canadian oil sands development; and

(10) the potential costs and benefits to the United States public and the private sector of maritime transportation of oil sands products.

(c) CONSULTATION REQUIREMENT.—In conducting the assessment required under this section, the Commandant shall consult with the State of Washington, affected tribal governments, and industry, including vessel operators, oil sands producers, and spill response experts. The Commandant may consult with the Secretary of State.

(d) DEADLINE FOR SUBMISSION.—Not later than 180 days after the date of enactment of

this Act, the Commandant shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 825.

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

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield to the chairman of the full committee, Mr. MICA, such time as he may consume.

Mr. MICA. I thank the gentleman for yielding.

First, I want to take a moment to thank Mr. LOBIONDO for his outstanding leadership of the Coast Guard Committee, and also Mr. LARSEN, the ranking member from Washington. I know FRANK LOBIONDO has a great love for the United States Coast Guard. He has worked diligently, long, and tirelessly for one of our most important branches and most historic branches of government over the years and dedicated part of his time, but a full commitment, to the United States Coast Guard.

As we take up H.R. 2838 today, as we consider that reauthorization for the United States Coast Guard—and Congress must authorize every program. We create the Coast Guard by law. We must also set the policy and the programs and the funding levels through our committee, an important responsibility.

Now, we have an important responsibility, but we're reminded again, even in the last few days, of the death of one of our Coast Guard officers, Chief Mate Terrell Horne. He was killed protecting the United States. I think it was drug smugglers who took his life in southern California while a small boat was trying to stop their activities. Here again we are painfully reminded of the sacrifice of those men and women in service to the United States. So this morning, I really would like to dedicate this reauthorization to his memory and the memory of all the men and women who have served in the Coast Guard.

I had lost one young lady from St. Augustine in the Arctic. I remember that tragic loss of her life and so many others who have served us well in the United States Coast Guard, an important national security and safety agency that protects us day in and day out, 24/7. So we are reminded of their sacrifices and, today, of our responsibility.

To succeed at the many jobs that we assign members of the Coast Guard, they must have the resources on the water and the docks to complete their important mission. This bill authorizes the Coast Guard for fiscal years 2013 and 2014. It's a total of $8.6 billion. Of course, when you talk about trillions in our Federal budget and activities, it's a small amount for the more than 50,000 Coast Guard men and women and for the programs that they undertake again each day.

□ 0920

One of the things we've tried to do is make the regulatory burden on fishermen more reasonable by extending some of the time they undergo to have dockside examinations. Again, in addition to serving national security purposes and maritime safety, we also serve an important economic activity, and that's the fishing community.

This bill also looks towards helping others that we're responsible for in the maritime industry. One of the problems we've had is in developing a TWIC card. A TWIC card is a Transportation Worker Identification Credential. We've had great problems with trying to get that installed so that we could find out who is entering our ports and to ensure that is done safely and securely, particularly with the threats that we face, the huge coastline of ports, the exposure that we face from maritime threats. And I think we've, hopefully, lessened some of the burdensome time required by multiple trips to get folks that need these cards to go to these enrollment centers—again, trying to help those who we're supposed to serve and to help them do their job in an expedited fashion.

As you know, our committee published a report. When we were in the minority, we helped author it. The title of the report was, ''The Federal Government Must Stop Sitting on Its Assets.'' And in each of the categories and areas we're responsible for in the Transportation Committee, whether it's empty public buildings that have sat there, properties underutilized, we want to make sure that taxpayers' resources are used in the best possible way.

So this bill follows up our report by requiring the Coast Guard, which has currently sidelined one of our heavy icebreakers, to make a decision on either being reactivated or decommissioned. Again, we can't sit on valuable assets in any of our agencies.

Finally, this bill restricts the use of post-construction of future National Security Cutters until our National Security Cutters meet long-promised mission performance capabilities. We started producing a small number of National Security Cutters—bigger than 100-plus-foot cutters—after 9/11. We've had some problems with that program. It's our responsibility to straighten out those problems, to make certain that the long-promised mission performance capabilities are met, and this bill hopefully leads us in that positive direction.

Unfortunately, the bill does not restrict the ability of foreign seamen injured outside the United States on non-U.S.-flagged vessels from suing in United States courts, paid for by United States taxpayers. It was something we had hoped to achieve. We couldn't put it in this bill.

There are some other measures I would have liked to have had in this bill. It does not, unfortunately, establish—but we passed in the House—a uniform national standard for ballast water discharges. And that provision is supported by many in the House and by the U.S. and international maritime industries.

So we've done a good part of the job. I think we've met our responsibility, and I am pleased that we are here to authorize, for a period of 2 years, the United States Coast Guard, its operations and its programs, and support the men and women who support us. So, with that, I urge the passage of H. Res. 825.

Mr. SMITH of Washington. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of the resolution introduced by my colleague from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee.

Before I begin my remarks, I want to join the gentleman from Florida (Mr. MICA), and of course the many others, in offering my condolences to the entire Coast Guard family for the tragic loss of one of their shipmates during a drug interdiction operation in the waters off of southern California this past weekend. We all recognize that the servicemen and -women of the Coast Guard willingly and routinely expose themselves to highly dangerous conditions on behalf of our Nation. Nevertheless, it is a profound tragedy when a servicemember makes that sacrifice, and our thoughts and prayers are with the Coast Guard at this time.

The legislation I stand in support of today has been developed as a compromise over the past 2 months during negotiations with the Senate. It would amend H.R. 2838, the Coast Guard and Maritime Transportation Act of 2012, that passed the House last November, and it also incorporates numerous provisions from the amendments to H.R. 2838 that cleared the Senate in September. And I appreciate the gentleman from New Jersey (Mr. LOBIONDO) for his willingness to work with me on this legislation in a bipartisan and open manner. I'm confident in saying that this bill embodies a fair and bipartisan compromise for everyone involved and that we can feel proud of this work.

As the ranking member of the Coast Guard Subcommittee, it's been a high priority for me to advance policies to revitalize and expand our domestic maritime industries, and this legislation marks a significant achievement in doing just that. It creates jobs in the

shipbuilding industry by taking vital steps towards improving our icebreaker fleet and finishing the program of record for Response Boat-Medium.

Earlier this year, I had a chance to visit job-creating shipyards that will be a part of the modernization effort of the Coast Guard. These shipyards provide good-paying jobs for hardworking engineers, welders, electricians, and mechanics all over the Northwest and throughout the country. The reauthorization of the Maritime Administration will improve the fortunes of those shipyards, and I am pleased that that is included in this bill as well.

But we've also, in authorizing the Coast Guard, reformed a number of key programs. The Coast Guard has one of the most expansive missions in the Federal Government. This multimission maritime military service is responsible for a broad range of activities, including mariner licensing, emergency oil spill response, vessel inspections, and navigation safety. The Coast Guard remains indispensable to the maintenance of a reliable and secure marine supply chain that supports maritime cargo operations, which contribute $649 billion annually to the U.S. GDP, sustaining more than 13 million jobs.

This legislation authorizes funding levels for both the Coast Guard and the Reserve that provide for increased funding levels in fiscal years '13 and '14 over the fiscal year '12 level.

I believe the funding levels in the bill remain insufficient to address the documented needs of the Coast Guard. The Coast Guard has been asked to do more with less, and I'm afraid that their only choice during this time of budget uncertainty is to do less with less, and that's just wrong. So while I would prefer these levels to be higher, I understand that these funding levels are likely the best that can be provided under the constraints.

We must be aware, however, that funding levels in this legislation are absent any consideration of what will be needed to address the estimated $260 million in damages to Coast Guard facilities in the Northeast as a result of Hurricane Sandy. These costs will be addressed in the future, I assume.

And I want to highlight, as well, that this legislation contains several provisions that will improve the Coast Guard's readiness and capabilities in the increasingly important Arctic region. Specifically, this bill directs the Coast Guard to complete a business case analysis to assess the cost-effectiveness of reactivating its heavy icebreaker, the Polar Sea. This analysis is overdue and it is vitally important.

At present, the Coast Guard has only one icebreaker, the Healy. Although the Coast Guard expects, in 2013, to reactivate the other heavy icebreaker, the Polar Star, the plain fact remains that the Coast Guard's icebreaker fleet remains severely undercapitalized and overextended. As it will be years before a new icebreaker can be delivered, it's essential that we make informed decisions on the Polar Sea now in order to have a balanced assessment of Coast Guard polar icebreaker capabilities in the near term.

This legislation also advances provisions that address many administrative, personnel, procurement, and regulatory issues affecting the Coast Guard; specifically, several new authorities to bring the Coast Guard into parity with the other armed services have been included. Additionally, this legislation contains new authorities that will improve the efficiency and oversight of the Coast Guard's major acquisition programs, especially new advanced procurement authority and development of multiyear capital investment programs.

The bill includes language I authored that requires the Coast Guard to complete the procurement of 180 Response Boat-Mediums, or RB-Ms, as originally planned in the program of record for this vessel. This is a critical piece of maritime security, and the completion of these boats will lead to additional job creation in small shipyards.

Besides addressing the needs of the Coast Guard, this legislation also advances several important initiatives to support the U.S. Merchant Marine:

Title III of the legislation protects the Jones Act by strengthening the review and notice requirements for future administrative waivers. This provision, originally called for in H.R. 3202, the American Mariner Jobs Protection Act, should help preserve more opportunities for U.S. carriers and seafarers. The title also provides for a formal authorization for the Committee on the Maritime Transportation System;

Title IV of the legislation includes several provisions that will improve the Maritime Administration's ability to accept, manage, and recycle vessels held in the National Defense Reserve Fleet;

I'm also pleased title VI reauthorizes the Marine Debris Research, Reduction, and Prevention Act. More and more marine debris from the 2011 Japanese tsunami continues to wash up on the shores of the Pacific coast, including in my State of Washington. Japan, in the midst of a recovery from this disaster, though, has shown extraordinary leadership and friendship with the United States by recently announcing that they will donate directly $5 million to debris cleanup.

□ 0930

It is important that we reauthorize the Marine Debris Act to ensure that the National Oceanic and Atmospheric Administration has the authority it needs to work with States to address this threat.

I very much appreciate the cooperation of Chairman LoBIONDO for including this important environmental measure, and I also applaud my colleagues, Mr. THOMPSON and Mr. FARR, for their work to see this program reauthorized.

In closing, Mr. Speaker, this legislation reflects a fair and balanced compromise. We have an obligation to support the Coast Guard and support our U.S. merchant marine. A safe and secure maritime environment is good for job creation, good for the economy, and good for the American people. In my estimation, this legislation fulfills that obligation. I urge its passage today, and I just briefly want to thank once again Mr. LoBIONDO for his incredible work to be bipartisan, open, and transparent in working to bring this legislation to passage.

With that, I reserve the balance of my time.

Mr. LoBIONDO. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 825.

H.R. 2838 reauthorizes the activities of the Coast Guard through the fiscal year 2014 at levels that will allow for the administration's requested 1.7 percent military pay increase for fiscal year 2013 and provide for a military pay increase for fiscal year 2014 at a level consistent with CBO's estimate on the rate of inflation. The bill provides funding for the Coast Guard at levels that will reverse the irresponsible cuts proposed by the Obama administration and will ensure the service has what it needs to successfully conduct its missions.

The legislation includes critical provisions that will give the Coast Guard, its servicemembers, and its dependents great parity with their counterparts in the Department of Defense, something that we've worked very hard to achieve. H.R. 2838 also contains reforms and improvements to the Coast Guard's acquisition program and activities. The bill encourages job growth in the maritime sector by cutting EPA, TSA, and Coast Guard regulatory burdens on small businesses. Finally, the bill enhances the security of U.S. vessels and crews transiting high-risk waters, reauthorizes the national security aspects of the Maritime Administration for fiscal year 2013, and makes several important improvements to NOAA's marine debris program, as noted by Mr. LARSEN.

H.R. 2838 was put together in cooperation with the minority and with our counterparts in the Senate. I'd like to thank Mr. MICA, chairman of the full committee; I'd like to thank Mr. RAHALL, the ranking member of the full committee; I especially want to thank Mr. LARSEN. We've had, I think, a model for how a committee or a subcommittee should operate. We've been focused on results. We've been focused on incorporating good ideas. Rick, I very much appreciated your cooperation in moving forward on these very important issues for the Nation.

Finally, I would like to thank the staff on both sides for their work and their help in this legislation. We rely on them a great deal. They've worked in an extraordinary manner, and it's very much appreciated, and hopefully we get the results we need.

I also want to take a moment to underscore the very dangerous work that the Coast Guard does to keep our Nation and our shores safe. We were all shocked and very saddened to hear the news this weekend that a Coastie lost his life in the line of duty. This underscores how our Coast Guard men and women put their life at risk each and every day. They're really underrecognized and underappreciated for the work they do. And with drugs being such a great scourge in our country, it sounds like this Coastie was just brutally murdered. So our heart goes out to the men and women of the Coast Guard, his colleagues, his family, and his friends. Chief Petty Officer Terrell Horne was serving his country and gave his life for his country. Again, our thoughts and prayers go out to his family and friends. We're tremendously thankful for all the brave men and women of the Coast Guard and the work that they do each and every day.

I urge all Members to support H.R. 2838, and I reserve the balance of my time.

Mr. LARSEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HAHN).

Ms. HAHN. Thank you, Mr. LARSEN and Mr. LOBIONDO, for your work on this.

Mr. Speaker, I rise to offer my support for the House and Senate agreement on the Coast Guard reauthorization for fiscal year 2013 and 2014.

The United States Coast Guard plays an integral role in our Nation's homeland security. They are on the front lines each and every day ensuring that our ports and waterways remain safe and secure.

As a cofounder and cochair of the congressional bipartisan PORTS Caucus, we're learning more and more every day about the critical role that our Coast Guard plays in the security of our ports. Our caucus members had a very productive conversation with Vice Admiral Peter Neffenger of the U.S. Coast Guard in April, whom I got to know very well in Los Angeles when he was the captain of the ports of Los Angeles and Long Beach. He discussed the Coast Guard's critical role in providing security and disaster preparedness at our Nation's ports. That's why providing the Coast Guard with the necessary ships and gear they need is so important.

However, it's neither the ships nor the gear that make up the heart of the United States Coast Guard. It is the men and women who fight every day to make this country a safer place. They serve with bravery and poise, and are sometimes called upon to make the ultimate sacrifice. And as has been talked about this morning, unfortunately that is what occurred this past weekend when a brave Coast Guardsman gave his life for this country. On December 2, Chief Petty Officer Horne was killed when he and his team came upon a boat suspected of drug smuggling and were rammed upon approaching it. The impact knocked Officer Horne and another Coast Guardsman into the water, inflicting Horne with a severe traumatic head injury that ultimately proved to be fatal.

Chief Petty Officer Terrell Horne was a distinguished Coast Guardsman, and his life is deeply cherished by our Nation as we reflect on his unwavering commitment to protecting our country. He and his family were from Redondo Beach, which is in my current congressional district. His sacrifice serves as a stark reminder of the extraordinary sacrifices our men and women in uniform make boldly for this country each and every day.

As my colleagues consider this bill before us, I ask that we all keep Officer Horne's family, friends, and fellow officers in the Coast Guard in your thoughts and prayers and never forget the sacrifices that our men and women make for us each and every day. I appreciate all the comments that have been made this morning reflecting this same thought.

Mr. LOBIONDO. I continue to reserve the balance of my time.

Mr. LARSEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Thank you very much, Mr. Chair and Mr. Ranking Member.

Mr. Speaker, I rise today in support of the underlying bill which reauthorizes important programs to keep our waterways safe and navigable, protect our marine economy, defend our maritime borders, and support the brave Coast Guard personnel, including the personnel of the U.S. Coast Guard sector Columbia River, which is headquartered in Oregon's First Congressional District. They all work in pursuit of these vital missions. I also thank the chairman and ranking member of the Coast Guard Subcommittee for their work on this, as well as the chair and ranking member of the full Transportation and Infrastructure Committee.

In addition to supporting the basic mission of the Coast Guard, this legislation includes language to reauthorize another important mission carried out by our Federal Government that is worthy of this body's support, NOAA's marine debris program. In June of this year, coastal residents in my home State of Oregon found a 66-foot dock resting on a beach near the town of Newport, Oregon. The dock was just one piece of many that scientists have estimated to be a debris field with as much as 1.5 million tons of debris that were washed into the ocean by the tsunami that struck Japan in March of 2011.

Beyond the obvious navigational dangers posed by the dock and the other debris that has been discovered in States on the Pacific coastline, the debris also brings with it invasive species that could harm our maritime environment. Not only is this debris dangerous, it's costly to remove, and the threat of a significant increase in debris arriving on our coasts has caused many State and local governments serious budgetary concerns. Oregon spent nearly $80,000 just removing that one dock.

Since the arrival of the Japanese dock on Agate Beach, Oregon, other members and I have heard from constituents who call on us to provide them with some assistance in dealing with this unprecedented situation.

□ 0940

The Marine Debris Program at NOAA makes some funding available through grants provided to coastal communities and to State and local governments to assist with debris response and removal. The bill we are considering today reauthorizes NOAA's Marine Debris Program. That's very important.

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

Mr. LARSEN of Washington. I yield the gentlelady an additional 30 seconds.

Ms. BONAMICI. In addition to that, I've introduced bipartisan legislation with Congresswoman HERRERA BEUTLER from Washington, the Marine Debris Emergency Act, to expedite that funding, which can currently take about a year from proposal to award. This bill will shorten the window to 60 days, which could be very important.

So I urge my colleagues to support our coastal communities by supporting this legislation and the bill before us today. Thank you to the chairs and ranking member for their hard work.

Mr. LOBIONDO. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for yielding.

Mr. Speaker, I rise today to highlight title VI of the Coast Guard and Maritime Transportation Act of 2012, which amends the Marine Debris Program.

This partnership between NOAA and the United States Coast Guard has been hugely beneficial to our Nation's coastal communities. It has improved research and debris removal activities at sea and has built a greater understanding of the challenges we face in addressing this threat. There are so many successful projects funded by the Marine Debris Program, which is astounding considering that the program spends far less than $10 million.

I want to highlight the National Fish and Wildlife Foundation NOAA grant program for Marine Debris Research and Technology. From 2005 to 2011, this program supported 46 projects involving fishermen, ports, and marinas, and they leveraged $2.7 million in NOAA funding with $2.9 million in non-Federal matching funds.

Another program, Fishing for Energy, is one innovative program that installs collection bins for commercial fishermen to dispose of old or unwanted fishing gear. To date, this program has disposed of more than 700

tons of obsolete or derelict gear, which annually accounts for $250 million in lost marketable lobster and which saves up to $792 million in damages to boat propellers from derelict fishing gear. If that isn't enough, an Energy-from-Waste facility recycles the gear and harnesses electricity from the recycling process. It doesn't cost the fishermen anything to dispose of this gear, and that's why it's such a successful program.

This small Federal investment results in a huge cost savings. Marine debris is a much larger and growing problem. With the disaster in Japan last year and with recent storms like Sandy, cleaning up debris requires both resources and coordination between agencies and States. While I commend the bipartisan support and leadership of my colleagues to get this bill to the President, I am disappointed that the program's authorization has not been extended. I will continue to work for the permanent reauthorization of the Marine Debris Program because it is a critical program for coastal communities.

I urge my colleagues to support this bill, which is one of bipartisan-bicameral compromise. I thank Chairman MICA, Chairman HASTINGS, Ranking Member RAHALL, and Ranking Member MARKEY for their leadership in bringing my bill, H.R. 1171, to the floor for passage out of the House. I thank Chairman LOBIONDO and Ranking Member LARSEN for including this important language in the Coast Guard and Maritime Transportation Act of 2012. I urge your support.

Mr. LOBIONDO. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. I yield myself such time as I may consume.

Mr. Speaker, thank you so much for an opportunity to speak on this important resolution. I want to urge everyone to support its passage.

Finally, I want to thank the staff for its great work in putting this together. It's a bit of a dance to put all of the pieces together in legislation like this, but they did a great job, so I want to extend my thanks to them as well.

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

Mr. LOBIONDO. Mr. Speaker, in closing, I would like to thank everyone who has been involved in this process. Again, I especially thank Mr. LARSEN for the cooperative initiatives and efforts that we've been able to undertake. I hope that all the Members of the House of Representatives will think about the sacrifices that the men and women of the Coast Guard make and will vote affirmatively for this bill.

I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I applaud Chairmen MICA and LOBIONDO and Ranking Members RAHALL and LARSEN for their work on the Coast Guard and Maritime Transportation Act of 2012 and for their leadership. I also thank our colleagues in the Senate for their work.

The bill before us contains provisions in Section 301 that are substantially similar to H.R. 3202, the American Mariners Job Protection Act, which I introduced with Congressman JEFF LANDRY.

These provisions will significantly expand transparency surrounding the issuance of waivers allowing non–Jones Act qualified vessels to carry cargoes between two ports in the United States.

While the Jones Act can be waived in the interest of national defense, the Maritime Administration (MARAD) is required to assess whether Jones Act–qualified vessels are available to carry the cargo under consideration. However, recent experience suggests that such assessments have been cursory at best.

The provisions included in Section 301 will require MARAD to publicize the results of such assessments, including detailing the actions that could be taken to enable American vessels to carry the cargo for which a waiver is sought. MARAD will also be required to publish its determinations on its website and provide notification to Congress when a Jones Act waiver is requested or issued.

I thank my colleagues for working with me and Congressman LANDRY to make these important improvements in the administration of the Jones Act.

While I applaud the inclusion of these provisions, the bill before us does contain provisions that I do not support. In particular, I am deeply disappointed that this bill eliminates provisions in the Coast Guard Authorization of 2010 that I authored to establish an ombudsman in each Coast Guard District.

These ombudsmen were intended to serve as liaisons between the Coast Guard and ports, terminal operators, shipowners, and labor representatives to enable these stakeholders to seek further review of disputes regarding the application of Coast Guard regulations. They would have given the port community another mechanism to engage with the Coast Guard to ensure that the application of regulations achieves critical safety and security objectives while having the least possible impact on commerce.

I am also disappointed that this legislation delays the introduction of modern survival craft that ensure that all parts of the body are out of the water. Instead, the bill allows the continued use of equipment that pre–dates World War II.

We would never think of using pre-World War II technology in other aspects of our lives when significantly more advanced technology is available. For that reason, I am shocked that my colleagues believe such antiquated equipment is appropriate for those whose lives are at risk at sea—particularly the disabled, the elderly and children. This is not a subject that needs more study. It has been studied numerous times—and the National Transportation Safety Board (NTSB) explicitly opposes the continued use of life floats and non–inflatable buoyant apparatus as primary lifesaving devices.

Similarly, I am disappointed by provisions in this bill that delay the requirement that fishing vessels undergo dockside exams—and that will reduce the frequency of such exams once they are implemented. Five years between dockside examinations will do little to reduce the unconscionably high casualties suffered by commercial fishermen in what remains our nation's most dangerous profession.

Finally, I am disappointed that we could not include legislation Congressman LANDRY and I introduced to restore the cuts to cargo preference programs made in the MAP–21 legislation. Cargo preference requirements are critical to the maintenance of a robust U.S.-flagged fleet and these cuts should never have been made.

While I will not oppose this legislation, I believe it could have been significantly better than it is in its current form—and I hope we can address these matters promptly in the 113th Congress.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H. Res. 825, a resolution providing for the concurrence by the House in the Senate amendments to H.R. 2838, the Coast Guard Authorization Act of 2012, with an amendment.

For many years I have directed my district staff in Huntington Beach, California, to organize regular briefings for me as well as public informational meetings about homeland and border security, particularly security of the coastline I have the honor to represent in Congress. On April 4 of this year, I had one such briefing in the American Legion Post in Newport Beach that featured presentations by the Department of Homeland Security Office of Intelligence and Analysis, U.S. Coast Guard and U.S. Border Patrol. The briefings were attended by police, sheriff, fire and marine safety personnel from San Diego to Los Angeles.

These briefings are always foremost in my mind when I urge my colleagues in Congress to summon the political will to stop giving our country away by failing to enforce our borders. The southern California shoreline is the destination for a brazen invasion of contraband and illegal labor smugglers by sea. The brazenness is exceeded only by the shocking multiplier effect of violent crime to persons and property that emanates from the ''stash'' (safe) houses and sweat shops that proliferate along a clandestine network extending north from San Diego.

The stakes have been rising in recent years as hundreds of ''panga'' boats ply the waters of Orange County's most treasured beachfront locations, looking for scouts and convoys forward positioned to make a pick-up of exploited workers or drugs shipments. Some panga boats are small, seating 6 to 8 passengers, and sometimes the boats are huge and hold up to 40 people. To suggest it is a sophisticated operation would be an understatement. That is why we enlist the public as well as our protective law enforcement services to spread the word of warning and alert the citizenry to the threat we face as individuals and as a society.

On December 2, 2012, we were tragically reminded of what is at stake when news from the U.S. Coast Guard reached my desk that a brave member of the United States Coast Guard, Chief Petty Officer Terrell Horne III, was killed in action while defending our coastline from the wave of unlawful foreign incursions. As I did in my letter to Admiral Papp, Commandant of the USCG, I want to convey here the most heartfelt condolences from my family and me, as well as millions of Americans living on this coastline, to Chief Petty Officer Horne's family, to the crew of the Cutter *Halibut* on which Petty Officer Horne served, and to the larger USCG community.

Reports indicate that Chief Petty Officer Horne was in a chase boat pursuing a panga when it turned and rammed his craft, killing him and injuring other USCG members doing

their jobs for us. This violence against our coastal defenders is yet another wake up call to America, sounding anew a warning that we must as a nation summon courage to defend our border equal to the devotion to duty Chief Petty Officer Horne exemplified. There was no price he was unwilling to pay to protect our nation, and we must honor him by rising in the same degree to the cause for which he died.

Every day courageous men and women of the USCG are on the front line of the struggle to restore the rule of law in the navigable waters of our nation. As the daily assault on our coastal communities escalates, the USCG stands between us and lawlessness on the open seas and along the shorelines where our very civil order now is under siege. This tragic loss of one of American's finest is the terrible price we pay to turn back those emboldened to violate our border security and threaten our homeland in desperate criminal enterprises, profiting from trafficking in drugs and human beings.

Unyielding in our vigilance against these modern day pirates and slave traders, we pause to mourn the loss of a fellow American whose service to our nation humbles us and deepens our resolve to prevail against the perpetrators of violence and crime making landfall on our coast from the sea.

That can and must be done to honor Chief Petty Officer Horne and all those who have sacrificed all so we may remain a sovereign nation and free people. We owe it to Terrell Horne and each and every one of our fallen heroes. I again urge my colleagues to support H. Res. 825 in honor of Terrell and all those who sacrifice so much for all of us.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and agree to the resolution, H. Res. 825.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS ON GOVERNANCE OF THE INTERNET

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 50) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 50

Whereas given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control;

Whereas the world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information;

Whereas countries have obligations to protect human rights, which are advanced by online activity as well as offline activity;

Whereas the ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders;

Whereas proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet;

Whereas the proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would attempt to justify increased government control over the Internet and would undermine the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction;

Whereas the proposals would diminish the freedom of expression on the Internet in favor of government control over content;

Whereas the position of the United States Government has been and is to advocate for the flow of information free from government control; and

Whereas this and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of State, in consultation with the Secretary of Commerce, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee.

GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD for S. Con. Res. 50.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

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

This week, representatives from 193 countries are meeting in Dubai to reexamine an international treaty dealing with telecommunications. Several hostile countries are seeking to use this opportunity to impose new international regulations on the Internet.

We need to send a strong message to the world that the Internet has thrived under a decentralized, bottom-up, multistakeholder governance model. That is why I stand in strong support of Senator RUBIO's Senate Concurrent Resolution 50. The U.S. is united in its opposition to international control over Internet governance, and we've seen leadership pushing back against ceding more power to the International Telecommunication Union. It is referred to as the ''ITU.'' It's a branch of the United Nations.

Some want to give it new powers. Several countries see the Internet as a tool for political and/or economic control that they want to exploit. For example, Russia's Vladimir Putin has openly stated his intention to seek ''international control over the Internet using the monitoring and supervisory capabilities of the ITU.'' Just last week, the Syrian Government shut off Internet access as the regime sought to suppress the free exchange of information among its private citizens. But it's because the Internet is the ultimate tool of political and economic liberation that we should foster and protect it, not give those who fear its impact on politics and the economy the power to repress its continued innovation and untapped potential.

I also want to make an important point about our legitimacy in the fight to keep the Internet thriving, democratic, and decentralized. Unfortunately, we did undermine our credibility when the Federal Communications Commission imposed net neutrality regulations without the proper statutory authority to do so. Even Ambassador Verveer at the State Department had made the point. He said in 2010 that the net neutrality proceeding ''is one that could be employed by regimes that don't agree with our perspectives about essentially avoiding regulation of the Internet and trying to be sure not to do anything to damage its dynamism and its organic development. It could be employed as a pretext or as an excuse for undertaking public policy activities that we would disagree with pretty profoundly.''

□ 0950

We need to pass S. Con. Res. 50 and rebuild our credibility in support of Internet freedom. Regulating beyond our authority at home sets a very bad example when we want to oppose truly devastating regulations at the international level. Despite our domestic disagreements on telecom policy, one thing both sides of the aisle can agree on is that we should uphold the Internet governance model that's working. Let's not try to fix what's not broken.

In Dubai, we want our country promoting private markets and U.S. interests. Let's encourage the decentralized governance model that's been successful in the past, and let's show leadership instead of giving away broad regulatory powers to those who don't deserve and who should not have it.

I reserve the balance of my time.

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

Mr. Speaker, it's fitting that on the week in which the World Conference on International Telecommunications convenes in Dubai that the House will once again take up a resolution demonstrating the bipartisan commitment of Congress to preserve the open structure and multistakeholder approach that has guided the Internet over the past two decades.

I think we are all very, very proud that there is not only bipartisan but bicameral support underlying this resolution, and there is complete support across the executive branch of our government. In other words, the United States of America is totally unified on this issue of an open structure, a multistakeholder approach that has guided the Internet over the past two decades.

The Senate resolution before us today, Mr. Speaker, makes a minor technical change to a resolution that the House passed unanimously in August by a vote of 414–0. I have no objection to this change, and I ask my colleagues to support this bipartisan measure.

I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN), who is the chairman of the Subcommittee on Telecommunications and the Internet.

Mr. WALDEN. I thank my colleague and friend for the time.

I rise today in support of Senate Concurrent Resolution 50, which, as you've heard, opposes international regulation of the Internet. It is virtually identical to the language that our friend and colleague Representative MARY BONO MACK put forward in H. Con. Res. 127, which was introduced earlier this year and passed by my subcommittee and in the full Energy and Commerce Committee and went on to pass this House without opposition. With this vote, we unify that language and we send a strong bipartisan, bicameral signal about America's commitment to an unregulated Internet.

I want to thank Representative BONO MACK for championing this important legislation to keep the Internet free from government regulation. I also wish to thank FCC Commissioner Robert McDowell, who has tirelessly sounded the call, not only about the peril we face if we stand idly by as countries like Russia and China seek to exert control over the Internet, but also about how FCC's own actions adopting network neutrality rules regulating the Internet undermine America's case abroad.

I also fear that recent talks of cybersecurity executive orders here at home may be cited back to us by some foreign nations with them accusing us of telling them to do as we say but not as we do.

The historical hands-off regulatory policy has allowed the Internet to become the greatest vehicle for global, social, and economic liberty since the printing press. And despite the current economic climate, it continues to grow at an astonishing pace.

FCC Commissioner McDowell and Chairman Genachowski are in Dubai this week as U.S. delegates to the World Conference on International Telecommunications. Our committee has also sent representatives from both parties to keep an eye on the proceedings. There, the 193 member countries of the United Nations are considering whether to apply to the Internet a regulatory regime that the International Telecommunications Union created in the 1980s for old-fashioned telephone service, as well as whether to swallow the Internet's nongovernmental organizational structure whole and make it part of the United Nations. Neither of these are acceptable outcomes and must be strongly opposed by our delegation.

Among those supportive of such regulation is Russian President Vladimir Putin, who spoke positively about the idea of ''establishing international control over the Internet,'' to use his own words. Some countries have even proposed regulations that would allow them to read citizens' email in the name of security, require citizens to register their email addresses for tracking purposes, and to charge for Internet access to their countries on a per-click basis.

This resolution rejects these proposals by taking the radical position that if the most revolutionary advance in technology, commerce, and social discourse of the last century is not broken, as you've heard others say, there's no reason to ''fix'' it.

The ability of the Internet to grow at this staggering pace is due largely to the flexibility of the multistakeholder model that governs the Internet so successfully today. Nongovernmental institutions now manage the Internet's core functions with input from private and public sector participants, and this structure prevents governmental or nongovernmental actors from controlling the design of the network or the content that it carries. Without one entity in control, the Internet has become a driver of jobs, information, business expansion, investment, and innovation. Moving away from the multistakeholder model would harm these abilities, preventing the Internet from spreading prosperity and the cause of freedom.

As the United States delegation continues its work at the WCIT, this resolution is an excellent bipartisan demonstration of our Nation's commitment to preserve the multistakeholder governance model and keep the Internet free from international regulation. I encourage my colleagues to support passage of this measure.

Mrs. BLACKBURN. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Louisiana (Mr. SCALISE), who is a member of the Telecommunications and Internet Subcommittee.

Mr. SCALISE. Mr. Speaker, I want to thank the gentlelady from Tennessee for yielding and for her leadership on this issue.

As has been noted, right now, in Dubai, an arm of the United Nations is considering trying to take international control over parts of the Internet. If you look at the struggling economy we have right now in the United States, one of the few bright spots is the telecommunications industry. One of the reasons—as a computer science major, I would argue that one of the reasons that the telecommunications and technology industry has been so successful even in a tough economy is because the government hasn't figured out how to regulate it and slow it down.

And yet here you have a proposal by the United Nations, coming out of the United Nations, to interfere with that multistakeholder organization which has been and allowed this industry to be so successful and allowed the Internet to shape and dramatically improve so many people's lives. So many of the things we can do today and all of the conveniences that have been added through great new aps and great new technology have come from this multistakeholder governance of the Internet. And yet here you have the United Nations try to step in.

And let's be real clear about who some of these countries are that want to do this and what they're intending to do if they are successful. Countries like Russia and China are leading this. Some of the Arab nations right now where you see uprisings, and many of those uprisings, by the way, have been brought through social media, through an open and free Internet where people can come together in cyberspace and hold their leadership accountable and in some cases rise up against oppressive governments, and those governments would like nothing more than to be able to shut that down by taking over control of the Internet.

I know it's been brought up before by the gentlelady from Tennessee and others, but I think it's important to know that Vladimir Putin, when he was meeting with the ITU Secretary-General said his goal, the reason that he and others like China are pursuing this, is to establish international control over the Internet through these new ITU rules.

And so while these discussions are going on in Dubai, I think it's critical that this piece of legislation is something we can arm our supporters with, those who stand up for Internet freedom, to say it is the United States Congress' bipartisan agreement that we want to maintain that freedom. We don't want United Nations control over the Internet.

□ 1000

Mrs. BLACKBURN. Mr. Speaker, we have no further speakers, and as I close, I want to thank Ms. ESHOO for the leadership that she has given. She's

the ranking member of the Telecommunications and Internet Subcommittee.

I also want to draw attention to the outstanding work that Representative MARY BONO MACK did as she led the debate and the discussion and pushed for the resolution, authored the resolution that the House passed earlier on this very issue. I also want to thank her for her work with Senator RUBIO and having a resolution that would be agreed to by both Chambers.

As Ms. ESHOO indicated earlier, the Senate resolution makes a technical change, a small technical change, in the resolution that was passed by the House. This is where the U.S. needs to stand firm. It's a way that we, in a bipartisan manner, can stand firm for freedom. I encourage the passage of this resolution; and I encourage that we, as a body, will continue to stand for a free and open Internet.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKburn) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 50.

The question was taken.

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

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

The yeas and nays were ordered.

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

FORMER PRESIDENTS PROTECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6620) to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6620

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 ''Former Presidents Protection Act of 2012''.

SEC. 2. ELIMINATING CERTAIN LIMITATIONS ON THE LENGTH OF SECRET SERVICE PROTECTION FOR FORMER PRESIDENTS AND FOR THE CHILDREN OF FORMER PRESIDENTS.

(a) FORMER PRESIDENTS.—Section 3056(a)(3) of title 18, United States Code, is amended by striking ''unless the former President did not'' and all that follows through ''warrant such protection''.

(b) CHILDREN OF FORMER PRESIDENTS.—Section 3056(a)(4) of title 18, United States Code, is amended by striking ''for a period'' and all that follows through ''comes first''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6620, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6620, the Former Presidents Protection Act of 2012, amends Federal law to uniformly provide lifetime Secret Service protection to all of America's former Presidents.

I want to thank the gentleman from South Carolina (Mr. GOWDY) and the gentleman from Virginia (Mr. SCOTT) for sponsoring this commonsense, bipartisan legislation.

America has a responsibility to protect its Presidents and their families, and not simply while they serve in office. We also have a duty to ensure the ongoing safety of those who serve in America's highest elected office after they leave office.

In 1958, Congress first authorized Secret Service protection for former Presidents, which was limited to a reasonable period of time after a President leaves office. Congress expanded this to lifetime protection in 1965.

But in 1994, Congress once again limited Secret Service protection for former Presidents, this time to 10 years after a President leaves office. This 10-year restriction applied to Presidents who took office after January 1, 1997.

The role of a former President has changed throughout the years. Former Presidents now have a global presence, and they are often seen as de facto representatives of the United States.

Whether it's former President Carter's work in peace negotiations with other countries or President Clinton's global initiative, former Presidents have a valuable role in using their experience and knowledge to help the U.S. in both a public and private capacity.

The world has changed dramatically since the 9/11 terrorist attacks. The threats to American personnel and interests continue as terrorists wage a war against the United States. Arbitrarily limiting Secret Service protection to 10 years may have made sense in 1994, after the Cold War had ended and before the war on terror had begun.

In a world where Americans who serve the public interest are considered targets, we must make sure that the safety and security of our former Chief Executives is not jeopardized. H.R. 6620 recognizes that those who serve as President are symbols of America and American freedoms and deserve to be protected.

There are only a handful of Americans who will be called upon to serve this country as President. These individuals represent America, not only while serving in office, but remain in the public consciousness long after they leave. H.R. 6620, simply recognizes that unique role and reinstates lifetime protection for all of our former Presidents.

I want to again thank Mr. GOWDY and Mr. SCOTT for their work on this issue, and I urge my colleagues to support the bill.

I reserve the balance of my time.

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

Ladies and gentlemen, H.R. 6620 is a commonsense bill that will ensure the continued safety of our Presidents after they leave the White House by extending the ability of the Secret Service to protect former Presidents; and I'm proud to join with the chairman, Mr. SMITH, of Judiciary, in support of this bill.

For Presidents who didn't serve prior to 1997, current Federal law provides that the Secret Service's protection terminates 10 years after the President leaves office. The 10-year limitation was enacted in 1994, when the nature of threats to former Presidents was more limited. But times have changed, and it's an unfortunate fact that former Presidents will require Secret Service protection for the rest of their lives. Therefore, this bill would simply restore the law to its prior form.

When a President of the United States completes his term, he remains a symbol of our Nation. Sadly, our Presidents who've worked hard to protect us from those who would harm our Nation may, themselves, continue to be in harm's way even after they complete their terms in office.

Most former Presidents remain prominently in the public eye, continuing to represent our country in significant ways and providing leadership on important issues. We should recognize and encourage their continued service by providing them with the protection they need.

This bill would also expand the Secret Service's authorization to protect the children of former Presidents until they reach 16 years of age. This also makes good sense under the current circumstances.

I want to recognize the Secret Service for their excellent and tireless job that they perform in protecting our national leaders. The men and women of the Secret Service conduct themselves with valor, while carrying out the protective function of their agency. They provide protection for a variety of people and events, including the President and special national security events as well.

The Secret Service has other important functions which also deserve recognition. For example, the investigative role of the Secret Service has expanded greatly, from protecting the

currency against counterfeiting, to investigating a wide variety of crimes related to this country's financial institutions and credit systems.

□ 1010

I, too, join in commending the gentleman from South Carolina, a member of our committee, TREY GOWDY, for his special work on this bill; and I urge my colleagues to support H.R. 6620.

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

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. GOWDY), who is the sponsor of this legislation.

Mr. GOWDY. Mr. Speaker, I would like to first thank Chairman LAMAR SMITH. This may be my last opportunity to thank him for his service as chairman of the Judiciary Committee, not just for this bill but for the work he's done in the full 2 years. He has done a fantastic job, and I would like to thank the chairman for that.

Mr. Speaker, two things are clear: protection, security, and public safety—those are the fundamental obligations of government; and, secondly, we live in an increasingly dangerous world with increasing threats against our citizens and targets that are viewed as high profile. For those reasons, Mr. Speaker, and others, I earnestly believe those who serve this country as President should never have to worry about their personal safety.

Under current law, protection for President Obama and President George W. Bush will cease after 10 years. Both men are young, enjoy good health, and have long lives ahead of them post-Presidency. This bill proposes to extend that security for the remainder of their lives. There's an unintended anomaly, Mr. Speaker, that if current law were not changed, Hillary Clinton, Barbara Bush and Laura Bush would receive more protections by virtue of being First Lady than they would if they had served as President themselves. So I hope my colleagues will make sure that the person and the symbol of our Presidency is safe and secure for the duration of their natural lives.

Mr. CONYERS. Mr. Speaker, before I yield to the distinguished gentlelady from Texas, I would like to observe the great relationship that has been formed on Judiciary between myself and the distinguished gentleman from San Antonio, Texas. For 4 years he was the ranking member on his side, while I was chair. We worked together. And for the 2 years he served as chair, I worked as his ranking member. We had a cordial and, I think, important relationship in framing and putting forward the issues for the Committee on the Judiciary, and I thank him.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. CONYERS. I will yield to the gentleman, with pleasure.

Mr. SMITH of Texas. Mr. Speaker, I wanted to thank the former chairman of the Judiciary Committee himself for those generous comments and say I've certainly enjoyed our working relationship over the last 6 years, and I know that that will continue as well.

Mr. CONYERS. I yield such time as she may consume to the gentlelady from Texas, a senior member of Judiciary, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. This is an enormously positive exhibition of the working relationship of the members of the House Judiciary Committee. And I thank both the chairman and the ranking member for the evidence of collegiality in these waning moments of the 112th Congress.

I'm going to follow my ranking member and acknowledge appreciation for the service of Judiciary Committee Chairperson LAMAR SMITH, who happens to be a tall Texan. And so we are delighted to thank him very much for the work that he has done, and to join with an established icon of Judiciary prominence in JOHN CONYERS. The two match well in their excellence, and I thank the ranking member and the former chairperson for his work and service. There is great work being done by the Judiciary Committee, and I think it is enormously important that we are the holders and protectors of the Constitution on behalf of not only our Members but on behalf of the United States of America.

Now is not the time, but I do want to acknowledge and hope that the House will consent at the appropriate time to acknowledge one of our fallen of great prominence of this committee, someone who I sat in his office as a baby Member of Congress, the Honorable Jack Brooks, who has passed. I hope there will be an appropriate moment for us to honor him before we leave today.

I rise to be able to thank the sponsor of this legislation—he attracted my interest in it—to correct something that probably was thought to be of good direction, but was not, in the limitation of the coverage of the President and the President's children, the First Family's children.

As a member of the Homeland Security Committee, let me say that we are celebratory of the fact that we have not had another attack on our soil since 9/11. If we look at it in a global perspective, we've not fought a war on our soil since—I believe at least an intense one—since the Civil War. But certainly we know that terrorism and danger have taken a new direction in this country and the world. And for those of us who spend time on these issues on a regular basis, this is a forward-thinking and smart initiative to ensure that the security of the men and/or women who have served as President of the United States and their children can be fully protected.

Let me acknowledge, as well, the service of the men and women of the United States Secret Service. And to be very frank, having jurisdiction over the Secret Service and Homeland Security and having interacted with them on a number of occasions, certainly we note that there was a moment in this last year that did not reflect well upon the decades of service of the United States Secret Service. But they have done their job well. They have been dutiful servants and protectors of the men that have held the highest office, along with the First Ladies and their children. This legislation speaks to a modern-day world where you never know where danger may approach someone and can be utilized in an untoward manner, such as being held hostage and used to threaten the sanctity and democracy and freedom of this Nation.

So this legislation reflects our smartness and astuteness in correcting what was probably thought to be good but upon reflection does not reflect on the goodness of this Congress, the goodness of the American people, who respect the service of their public servants to the highest office in this land.

With that, Mr. Speaker, I want to ask my colleagues to support the underlying legislation. And as this exhibits our opportunity that we can work together, I know that we'll find the right solution for solving our issues of middle class tax cuts and the fiscal deadline and make sure we move in a very positive direction.

Mr. CONYERS. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6620.

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

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS AND IMPROVEMENTS IN TITLE 36, UNITED STATES CODE

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6602) to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

The Clerk read the title of the bill.

The text of the bill is as follows:

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Purpose.
Sec. 3. Technical amendments.

SEC. 2. PURPOSE.

The purpose of this Act is to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

SEC. 3. TECHNICAL AMENDMENTS.

(a) TABLES OF CONTENTS.—

(1) TABLE OF CONTENTS OF THE TITLE.—Title 36, United States Code, is amended in the matter before subtitle I by striking

''Subtitle	Sec.
''I. PATRIOTIC AND NATIONAL OBSERVANCES AND CEREMONIES	**101**
''II. PATRIOTIC AND NATIONAL ORGANIZATIONS	**10101**
''III. TREATY OBLIGATION ORGANIZATIONS	**300101**''

and inserting

"Subtitle I—Patriotic and National Observances and Ceremonies

"Part A—Observances and Ceremonies

''Chap.	Sec.
''1. Patriotic and National Observances	101
''3. National Anthem, Motto, Floral Emblem, March, and Tree	301
''5. Presidential Inaugural Ceremonies	501
''7. Federal Participation in Carl Garner Federal Lands Cleanup Day	701
''9. Miscellaneous	901

"Part B—United States Government Organizations Involved With Observances and Ceremonies

''21. American Battle Monuments Commission	2101
''23. United States Holocaust Memorial Council	2301
''25. President's Committee on Employment of People With Disabilities	2501

"Subtitle II—Patriotic and National Organizations

"Part A—General

''101. General	10101

"Part B—Organizations

''201. Agricultural Hall of Fame	20101
''202. Air Force Sergeants Association	20201
''203. American Academy of Arts and Letters	20301
''205. American Chemical Society	20501
''207. American Council of Learned Societies	20701
''209. American Ex-Prisoners of War	20901
''210. American GI Forum of the United States	21001
''211. American Gold Star Mothers, Incorporated	21101
''213. American Historical Association	21301
''215. American Hospital of Paris	21501
''217. The American Legion	21701
''219. The American National Theater and Academy	21901
''221. The American Society of International Law	22101
''223. American Symphony Orchestra League	22301
''225. American War Mothers	22501
''227. AMVETS (American Veterans)	22701
''229. Army and Navy Union of the United States of America	22901
''231. Aviation Hall of Fame	23101
''233 through 299	Reserved
''301. Big Brothers—Big Sisters of America	30101
''303. Blinded Veterans Association	30301
''305. Blue Star Mothers of America, Inc.	30501
''307. Board For Fundamental Education	30701
''309. Boy Scouts of America	30901
''311. Boys & Girls Clubs of America	31101
''313 through 399	Reserved
''401. Catholic War Veterans of the United States of America, Incorporated	40101
''403. Civil Air Patrol	40301
''405. Congressional Medal of Honor Society of the United States of America	40501
''407. Corporation for the Promotion of Rifle Practice and Firearms Safety	40701
''409 through 499	Reserved
''501. Daughters of Union Veterans of the Civil War 1861–1865	50101
''503. Disabled American Veterans	50301
''505 through 599	Reserved
''601. 82nd Airborne Division Association, Incorporated	60101
''603 through 699	Reserved
''701. Fleet Reserve Association	70101
''703. Former Members of Congress	70301
''705. The Foundation of the Federal Bar Association	70501
''707. Frederick Douglass Memorial and Historical Association	70701
''709. Future Farmers of America	70901
''711 through 799	Reserved
''801. General Federation of Women's Clubs	80101
''803. Girl Scouts of the United States of America	80301
''805. Gold Star Wives of America	80501
''807 through 899	Reserved
''901. Help America Vote Foundation	90101
''903 through 999	Reserved
''1001. Italian American War Veterans of the United States	100101
''1003 through 1099	Reserved
''1101. Jewish War Veterans of the United States of America, Incorporated	110101
''1103. Jewish War Veterans, U.S.A., National Memorial, Incorporated	110301
''1105 through 1199	Reserved
''1201. Korean War Veterans Association, Incorporated	120101
''1203 through 1299	Reserved
''1301. Ladies of the Grand Army of the Republic	130101
''1303. Legion of Valor of the United States of America, Incorporated	130301
''1305. Little League Baseball, Incorporated	130501
''1307 through 1399	Reserved
''1401. Marine Corps League	140101
''1403. The Military Chaplains Association of the United States of America	140301
''1404. Military Officers Association of America	140401
''1405. Military Order of the Purple Heart of the United States of America, Incorporated	140501
''1407. Military Order of the World Wars	140701
''1409 through 1499	Reserved
''1501. National Academy of Public Administration	150101
''1503. National Academy of Sciences	150301
''1505. National Conference of State Societies, Washington, District of Columbia	150501
''1507. National Conference on Citizenship	150701
''1509. National Council on Radiation Protection and Measurements	150901
''1511. National Education Association of the United States	151101
''1513. National Fallen Firefighters Foundation	151301
''1515. National Federation of Music Clubs	151501
''1517. National Film Preservation Foundation	151701
''1519. National Fund for Medical Education	151901
''1521. National Mining Hall of Fame and Museum	152101
''1523. National Music Council	152301
''1524. National Recording Preservation Foundation	152401
''1525. National Safety Council	152501
''1527. National Ski Patrol System, Incorporated	152701
''1529. National Society, Daughters of the American Colonists	152901
''1531. The National Society of the Daughters of the American Revolution	153101
''1533. National Society of the Sons of the American Revolution	153301
''1535. National Tropical Botanical Garden	153501
''1537. National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic	153701
''1539. The National Yeomen (F)	153901
''1541. Naval Sea Cadet Corps	154101
''1543. Navy Club of the United States of America	154301
''1545. Navy Wives Clubs of America	154501
''1547. Non Commissioned Officers Association of the United States of America, Incorporated	154701
''1549 through 1599	Reserved
''1601 through 1699	Reserved
''1701. Paralyzed Veterans of America	170101
''1703. Pearl Harbor Survivors Association	170301
''1705. Polish Legion of American Veterans, U.S.A.	170501
''1707 through 1799	Reserved
''1801 through 1899	Reserved
''1901. Reserve Officers Association of the United States	190101
''1903. Retired Enlisted Association, Incorporated	190301
''1905 through 1999	Reserved
''2001. Society of American Florists and Ornamental Horticulturists	200101
''2003. Sons of Union Veterans of the Civil War	200301
''2005 through 2099	Reserved
''2101. Theodore Roosevelt Association	210101
''2103. 369th Veterans' Association	210301
''2105 through 2199	Reserved
''2201. United Service Organizations, Incorporated	220101
''2203. United States Capitol Historical Society	220301
''2205. United States Olympic Committee	220501
''2207. United States Submarine Veterans of World War II	220701
''2209 through 2299	Reserved
''2301. Veterans of Foreign Wars of the United States	230101
''2303. Veterans of World War I of the United States of America, Incorporated	230301
''2305. Vietnam Veterans of America, Inc.	230501
''2307 through 2399	Reserved
''2401. Women's Army Corps Veterans' Association	240101
''2403 through 2499	Reserved
''2501 through 2599	Reserved
''2601 through 2699	Reserved
''2701 through 2799	Reserved

"Subtitle III—Treaty Obligation Organizations

''3001. The American National Red Cross ... 300101''.

(2) TABLES OF CONTENTS OF SUBTITLES.—Title 36, United States Code, is further amended as follows:

(A) In the matter before chapter 1, after the heading

"Subtitle I—Patriotic and National Observances and Ceremonies",

strike

''PART A—OBSERVANCES AND CEREMONIES''

and all that follows through

''25. President's Committee on Employment of People With Disabilities .. 2501''.

(B) In the matter before chapter 101, after the heading

"Subtitle II—Patriotic and National Organizations",

strike

''PART A—GENERAL''

and all that follows through

''2701. [Reserved] ... 270101''.

(C) In the matter before chapter 3001, after the heading

"Subtitle III—Treaty Obligation Organizations",

strike

''Chapter Sec.

''3001. The American National Red Cross ... 300101''.

(b) RESERVED CHAPTERS.— Title 36, United States Code, is further amended as follows:

(1) In the matter before

''**CHAPTER 301—BIG BROTHERS—BIG SISTERS OF AMERICA**'',

insert

''**CHAPTERS 233 THROUGH 299—RESERVED**''.

(2) In the matter before

''**CHAPTER 401—CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, INCORPORATED**'',

insert

''**CHAPTERS 313 THROUGH 399—RESERVED**''.

(3) In the matter before

''**CHAPTER 501—DAUGHTERS OF UNION VETERANS OF THE CIVIL WAR 1861–1865**'',

insert

''**CHAPTERS 409 THROUGH 499—RESERVED**''.

(4) In the matter before

''**CHAPTER 601—82ND AIRBORNE DIVISION ASSOCIATION, INCORPORATED**'',

insert

''**CHAPTERS 505 THROUGH 599—RESERVED**''.

(5) In the matter before

''**CHAPTER 701—FLEET RESERVE ASSOCIATION**'',

insert

''CHAPTERS 603 THROUGH 699—RESERVED''.

(6) In the matter before

''CHAPTER 801—GENERAL FEDERATION OF WOMEN'S CLUBS'',

insert

''CHAPTERS 711 THROUGH 799—RESERVED''.

(7) In the matter before

''CHAPTER 1001—ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES'',

strike

''CHAPTER 901—[RESERVED]''

and insert (before chapter 901 as renumbered and transferred by subsection (c)(6)(A)),

''CHAPTERS 807 THROUGH 899—RESERVED''.

(8) In the matter before

''CHAPTER 1001—ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES''

insert (after chapter 901 as renumbered and transferred by subsection (c)(6)(A))

''CHAPTERS 903 THROUGH 999—RESERVED''.

(9) In the matter before

''CHAPTER 1101—JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA, INCORPORATED'',

insert

''CHAPTERS 1003 THROUGH 1099—RESERVED''.

(10) In the matter before

''CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED'',

insert

''CHAPTERS 1105 THROUGH 1199—RESERVED''.

(11) In the matter before

''CHAPTER 1301—LADIES OF THE GRAND ARMY OF THE REPUBLIC'',

insert

''CHAPTERS 1203 THROUGH 1299—RESERVED''.

(12) In the matter before

''CHAPTER 1401—MARINE CORPS LEAGUE'',

insert

''CHAPTERS 1307 THROUGH 1399—RESERVED''.

(13) In the matter before

''CHAPTER 1501—NATIONAL ACADEMY OF PUBLIC ADMINISTRATION'',

insert

''CHAPTERS 1409 THROUGH 1499—RESERVED''.

(14) In the matter before

''CHAPTER 1701—PARALYZED VETERANS OF AMERICA'',

strike

''CHAPTER 1601—[RESERVED]''

and insert

''CHAPTERS 1549 THROUGH 1599—RESERVED

''CHAPTERS 1601 THROUGH 1699—RESERVED''.

(15) In the matter before

''CHAPTER 1901—RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES'',

strike

''CHAPTER 1801—[RESERVED]''

and insert

''CHAPTERS 1707 THROUGH 1799—RESERVED

''CHAPTERS 1801 THROUGH 1899—RESERVED''.

(16) In the matter before

''CHAPTER 2001—SOCIETY OF AMERICAN FLORISTS AND ORNAMENTAL HORTICULTURISTS'',

insert

''CHAPTERS 1905 THROUGH 1999—RESERVED''.

(17) In the matter before

''CHAPTER 2101—THEODORE ROOSEVELT ASSOCIATION'',

insert

''CHAPTERS 2005 THROUGH 2099—RESERVED''.

(18) In the matter before

''CHAPTER 2201—UNITED SERVICE ORGANIZATIONS, INCORPORATED'',

insert

''CHAPTERS 2105 THROUGH 2199—RESERVED''.

(19) In the matter before

''CHAPTER 2301—VETERANS OF FOREIGN WARS OF THE UNITED STATES'',

insert

''CHAPTERS 2209 THROUGH 2299—RESERVED''.

(20) In the matter before

''CHAPTER 2401—WOMEN'S ARMY CORPS VETERANS' ASSOCIATION'',

insert

''CHAPTERS 2307 THROUGH 2399—RESERVED''.

(21) In the matter before

"Subtitle III—Treaty Obligation Organizations",

strike

''CHAPTER 2501—[RESERVED]

''CHAPTER 2601—[RESERVED]

''CHAPTER 2701—[RESERVED]''

and insert

''CHAPTERS 2403 THROUGH 2499—RESERVED

''CHAPTERS 2501 THROUGH 2599—RESERVED

''CHAPTERS 2601 THROUGH 2699—RESERVED

''CHAPTERS 2701 THROUGH 2799—RESERVED''.

(c) OTHER TECHNICAL AMENDMENTS TO TITLE 36.—Title 36, United States Code, is further amended as follows:

(1) NATIONAL ANTHEM, MOTTO, FLORAL EMBLEM, MARCH, AND TREE.—In the heading for chapter 3, strike **''FLORAL EMBLEM MARCH''** and insert **''FLORAL EMBLEM, MARCH''**.

(2) UNITED STATES HOLOCAUST MEMORIAL MUSEUM.—In section 2301(2), strike ''section 2306'' and insert ''section 2304''.

(3) CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.—In section 40706(a)—

(A) in the matter before paragraph (1), strike the dash appearing after ''the Secretary of the Army'' and insert a colon;

(B) in paragraph (1), strike ''firearms'' and insert ''Firearms''; and

(C) in paragraph (3), strike ''trophies'' and insert ''Trophies''.

(4) MILITARY OFFICERS ASSOCIATION OF AMERICA.—In section 140402, in the matter before paragraph (1), strike ''(a) GENERAL.—The purposes'' and insert ''The purposes''.

(5) NATIONAL FILM PRESERVATION FOUNDATION.—In section 151705(b), in the matter before paragraph (1), strike ''the the jurisdiction'' and insert ''the jurisdiction''.

(6) HELP AMERICA VOTE FOUNDATION.—

(A) RENUMBERING AND TRANSFER OF CHAPTER.—Chapter 1526 is renumbered as chapter 901 and transferred so as to appear after

''CHAPTERS 807 THROUGH 899—RESERVED''

(as inserted by subsection (b)(7)).

(B) RENUMBERING OF SECTIONS.—In chapter 901, as renumbered by subparagraph (A), and in the chapter analysis, sections 152601 through 152612 are renumbered as sections 90101 through 90112, respectively.

(C) CONFORMING AMENDMENT.—In section 90109, as renumbered by subparagraph (B), strike ''section 152602'' and insert ''section 90102''.

(7) NATIONAL TROPICAL BOTANICAL GARDEN.—At the end of the chapter table of contents for chapter 1535, insert—

''153514. Authorization of appropriations.''.

(8) NATIONAL YEOMEN (F).—

(A) In the heading for chapter 1539, strike **''YOEMEN F''** and insert **''YEOMEN (F)''**.

(B) In section 153901, strike ''Yoemen F'' and insert ''Yeomen (F)''.

(C) In paragraphs (1) and (2) of section 153902, strike ''Yoemen (f)'' and insert ''Yeomen (F)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6602, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rules of the House entrust to the Judiciary Committee the responsibilities of revision and codification of the statutes of the United States.

□ 1020

This power does not give our committee substantive legislative jurisdiction over all areas of law; it merely confers the authority to organize duly enacted laws into an efficient codification system.

The nonpartisan Office of the Law Revision Counsel is responsible for properly codifying public laws into titles and sections of the United States Code. From time to time, that office provides the Judiciary Committee advice as to how to enact a more user-friendly and cohesive statutory system.

This spring, Republican and Democratic committee staff worked cooperatively with the Office of Law Revision Counsel to develop H.R. 6602. The bill makes technical changes to title 36 of the United States Code, the laws that govern patriotic and national observances.

Codification laws do not make any substantive changes to existing law. Industries, government agencies, and

interested parties commented on the draft of H.R. 6602 before its consideration today. I am confident this bill will improve our legislative codification system, and I encourage my colleagues to support the bill.

I reserve the balance of my time.

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

H.R. 6602 makes revisions in title 36 to the United States Code that are necessary to keep the title current, as well as to make technical corrections and improvements. H.R. 6602 was prepared by the Office of the Law Revision Counsel as part of its ongoing responsibility under 2 U.S.C., section 285b, to prepare and submit to the Committee on the Judiciary one title at a time a complete compilation, restatement, and revision of the general and permanent laws of the United States.

This legislation gathers provisions relating to patriotic and national observances and ceremonies, patriotic and national organizations, and treaty obligation organizations under the current title 36. The amendments strike the existing abbreviated table of contents of the title and insert a more comprehensive title-wide table of contents, update the format of the chapter headings of reserved chapters, and make other necessary technical corrections.

H.R. 6602 is not intended to make any substantive changes to the law. As is typical with the codification process, a number of nonsubstantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

I am pleased again to have worked with Chairman LAMAR SMITH to draft this legislation, and I thank him for moving it to the House floor and urge my colleagues to support this measure.

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

Mr. SMITH of Texas. Mr. Speaker, I have no further speakers on this side. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6602.

The question was taken.

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

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

The yeas and nays were ordered.

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

ELIMINATION OF A REPORTING REQUIREMENT FOR UNFUNDED DNA IDENTIFICATION GRANT PROGRAM

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6605) to eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6605

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

SECTION 1. ELIMINATION OF REPORT REQUIREMENT.

Section 2406 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–5) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6605, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the ranking member, Mr. CONYERS, in cosponsoring this commonsense, bipartisan bill which eliminates an unnecessary reporting requirement on the States from an unfunded Federal grant program.

Earlier this year, I cosponsored, with Mr. CONYERS, H.R. 6189, the Reporting Efficiency Improvement Act. In response to a specific request from the administration, H.R. 6189 eliminated two reports that the Department of Justice was required to prepare for grant programs that have not been funded by Congress for many years. One of these grant programs is the DNA Identification Act of 1994. On October 5, the President signed into law H.R. 6189.

H.R. 6605, the bill before the House today, does for the States what H.R. 6189 did for the Federal Government: It eliminates the statutory requirement for States to report to the Attorney General about grants from the DNA Identification Act of 1994. Because Congress has not funded this grant program in nearly a decade, this statutory reporting requirement is unnecessary.

I again thank Mr. CONYERS, the ranking member of the Judiciary Committee, for his initiative on this issue, and I urge my colleagues to support this bill.

I reserve the balance of my time.

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

To our colleagues, this measure before us now, H.R. 6605, is a noncontroversial bill that makes a single technical correction to the U.S. Code. Under the Government Performance and Results Modernization Act of 2010, the Department of Justice conducts an annual review of statutory reporting requirements that are outdated, duplicative, or otherwise no longer useful to Congress. After conducting that review, the Department recommended we eliminate two reports, both related to programs that have not received funding from Congress for the better part of a decade. Last September, with the support of Chairman LAMAR SMITH, Congress passed H.R. 6189, the Reporting Efficiency Improvement Act, to remove these two reporting requirements from the Federal code. President Obama signed H.R. 6189 into law on October 5 of this year.

The bill before us today makes a single technical correction to the Federal code in order to reflect the changes we made earlier this year. Specifically, the legislation eliminates a cross-reference to a report that, after the enactment of H.R. 6189, no longer exists. This bill is a housekeeping measure and nothing more.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further speakers on this side, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6605.

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

A motion to reconsider was laid on the table.

□ 1030

CLARIFICATION WITH RESPECT TO ABSENCE FROM THE UNITED STATES DUE TO CERTAIN EMPLOYMENT BY CHIEF OF MISSION OR ARMED FORCES

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6223) to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in an executive level security position is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization if at least a portion of such period was spent in Iraq or Afghanistan, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6223

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

SECTION 1. CLARIFICATION WITH RESPECT TO ABSENCE FROM THE UNITED STATES DUE TO CERTAIN EMPLOYMENT BY CHIEF OF MISSION OR ARMED FORCES.

(a) IN GENERAL.—Section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended to read as follows:

''(e) NATURALIZATION.—

''(1) IN GENERAL.—A period of absence from the United States described in paragraph (2)—

''(A) shall not be considered to break any period for which continuous residence or physical presence in the United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.); and

''(B) shall be treated as a period of residence and physical presence in the United States for purposes of satisfying the requirements for naturalization under such title.

''(2) PERIOD OF ABSENCE DESCRIBED.—A period of absence described in this paragraph is a period of absence from the United States due to a person's employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if—

''(A) such employment involved supporting the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity; and

''(B) the person spent at least a portion of the time outside the United States working directly with the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6223, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support this bill and thank Representative DENT for introducing it.

Many men and women put their lives at risk to serve our nation with the Department of State in U.S. Embassies abroad. They contribute directly to the security of our country.

As we have become aware, conflicts from across the globe affect these employees in countries such as Tunisia, Syria, Egypt, Israel, and most recently, Libya. Our embassies have been attacked. Our flags have been burned. And our ambassador to Libya and three other Americans have been murdered.

Regrettably, service to the United States in our embassies abroad often occurs under dangerous conditions and in threatening environments.

The work of our foreign officers and agents assures us that we are kept safe each and every day. We are fortunate to have men and women willing to sacrifice and serve in the embassies. These individuals often accept posts on the front lines overseas as they serve to defend our freedoms. And for that we are grateful.

To ensure that our nation has the tools and resources it needs, such as linguistic expertise or knowledge of a specific geographic area, legal permanent residents serve the United States in critical capacities in some of the most vulnerable parts of the world.

Unfortunately, their loyalty, dedication and success can come at a price if they intend on naturalizing and becoming a United States citizen.

Under the Immigration and Nationality Act, an applicant for naturalization must be a lawfully admitted permanent resident for at least five years, have continuous residence in the U.S. during that time and be physically present in the U.S. for at least half of that five year period.

Continuous residence is the time that the applicant has maintained official residence within the United States. Physical presence is the time the applicant has been actually and physically located in the United States.

A permanent resident may become ineligible to naturalize because they have not been ''physically present and residing in the United States, after being lawfully admitted for permanent residence, for an uninterrupted period of at least one year.''

Any departure from the United States prevents the establishment of ''an uninterrupted period of one year'' after lawful admission for permanent residence.

This means that a legal permanent resident who is serving in our embassies overseas cannot qualify for naturalization.

This bill resolves this issue. It allows legal permanent residents' time in embassies abroad to count towards both the ''continuous residence'' requirement and the ''physical presence'' requirement for naturalization.

This is a common sense change that brings certain national security professionals in our embassies abroad in line with their military counterparts. Military service members' time overseas currently counts towards physical presence.

Like their military colleagues, senior and managerial legal permanent residents who serve in embassies, regardless of duration, are now regarded as being legally physically present in the U.S. during the period they serve the Department of State.

Additionally, under current law, a person who provides translator or interpreter services to the U.S. Armed Forces or the Chief of Mission in Iraq or Afghanistan can count that period of absence from the United States toward the ''continuous residence.'' However, that time does not count towards the one year continuous physical presence requirement for naturalization.

This bill allows people who work in a security-related position in an executive or managerial capacity for the Armed Forces and Chief of Mission to benefit in the same way as people who work as interpreters or translators.

It also permits interpreters and translators who serve the Armed forces or Chief of Mission in places other than Iraq or Afghanistan to receive this benefit.

I again thank Mr. DENT for his work on this bill as it honors the legal permanent residents who serve our nation abroad and facilitates their path to citizenship. I urge my colleagues to support this bill.

I, again, just want to thank the gentleman from Pennsylvania (Mr. DENT) for sponsoring this bill, and I yield him the balance of my time.

Mr. DENT. Mr. Speaker, I am here today to rise in support of H.R. 6223, a bill I introduced earlier this year as well as in the 111th Congress.

I would especially like to thank Chairman LAMAR SMITH for his service as chairman of this committee for the past 2 years. He has been a great leader, and I will miss him as chairman. I just wanted to thank him for his help with this legislation, as well as his staff, Dimple Shah and others, Kristin Dini from my own office. I wanted to thank them all for their support and help with this measure. They have taken a lot of time to understand the difficulty the current policy poses to highly skilled and committed men and women serving in some of the most volatile regions of the world.

As the chairman briefly described, H.R. 6223 would amend current law to allow legal permanent residents working for the chief of mission in an interpreter, translator, or in an executive or managerial security-related position overseas to count their time of service toward the continuous residence and physical presence requirement for naturalization as a United States citizen.

While this change is seemingly minor in the grand scheme of immigration policy, it is one that should be addressed by Congress—if for no other reason than to recognize the critical contribution these men and women are making for our country in the war against terrorism in unstable regions across the globe.

Quite candidly and truthfully, I didn't give much thought to this issue until a few years ago when I was made aware of the selfless and highly skilled service being provided by a constituent and legal permanent resident from Pennsylvania, George Bou Jaoudeh, who happens to be a Lebanese national working with the State Department security overseas in Iraq since 2005.

Mr. Bou Jaoudeh spends 4 months in Iraq and then 20 days in the United States. As a green card holder with a desire to naturalize as a U.S. citizen, he has been unable to meet continuous residency and physical presence requirements because of his time working abroad in support of our country in a very dangerous place, I think we would all agree.

Consequently, even though he works inside the American embassy in Baghdad, George Bou Jaoudeh has not met his 1-year continuous residency requirement, which is absurd because he is serving our Nation on American territory in the embassy. It's a shame

that we have to use legislation to address this, but that's the situation we find ourselves in.

In September, the world watched as a violent raid on our embassy in Benghazi, Libya, took the life of Ambassador Chris Stevens and three other brave Americans, two of whom have served as diplomatic security officers. Committed to serving our Nation, these men gave their lives to provide security for American diplomats in an unstable country, struggling in the midst of historic change.

There is a real enemy working to, at the very least, threaten American ideals and our way of life. Let's ensure the policies shaping our immigration laws do not create a greater hindrance to us in this fight.

With this bill under consideration today, we have the opportunity to recognize the legal permanent residents who have proven their commitment to our Nation's ideals and missions, should they be working with the State Department as executive-level security personnel, interpreter, or translator, regarding their continuous residence and physical presence requirements.

I ask the House to support this commonsense, reasonable legislation to make sure that we recognize individuals who are serving our country, legal residents who are serving in very dangerous places, serving in our State Department, that they be given the recognition they deserve and a proper pathway to citizenship.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6223, a bill that would expand upon a small, but important provision in our immigration laws and alleviate one barrier often faced by certain persons applying for naturalization.

Under our immigration laws, a lawful permanent resident who is applying to become a U.S. citizen generally must reside continuously in the United States for 5 years. Persons who are naturalizing by virtue of their marriage to a U.S. citizen or battered spouses or children may naturalize after a 3-year period of residence. A person must also be physically present in the United States for at least one-half of that time.

In 2007, Congress enacted a law to ensure that when a person works as an interpreter or translator in Iraq or Afghanistan for the U.S. chief of mission or the Armed Forces—either directly or by contract—that time should count toward the ''continuous residence'' requirement for naturalization.

This makes sense. Why should we penalize a lawful permanent resident for choosing to provide critical translation or interpretative services in Iraq or Afghanistan by saying that the person failed to reside continuously in the United States?

Today's bill builds on that commonsense provision in law in three ways:

First, it eliminates the geographical restriction in current law and says that time spent providing qualifying services to the U.S. chief of mission or Armed Forces anywhere in the world should be considered for naturalization purposes. Lawful permanent residents provide important services to our government all around the world, and it makes little sense to limit the provision only to service in those two countries.

Second, the current law applies only to the work of translators or interpreters, but lawful permanent residents assist our chiefs of mission and Armed Forces in a variety of important ways. To the current list of qualifying jobs, this bill adds certain high-level security-related work.

Finally, although the provision in current law only allows the time abroad not to count as a break in the ''continuous residence'' requirement for naturalization, this bill would allow the time also to count toward the ''physical presence'' requirement.

I thank the gentleman from Pennsylvania for his work on the bill. I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6223, as amended.

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

The title was amended so as to read: ''A bill to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.''

A motion to reconsider was laid on the table.

PATENT LAW TREATIES IMPLEMENTATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3486) to implement the provisions of the Hague Agreement and the Patent Law Treaty.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3486

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 ''Patent Law Treaties Implementation Act of 2012''.

TITLE I—HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

SEC. 101. THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS.

(a) IN GENERAL.—Title 35, United States Code, is amended by adding at the end the following:

''PART V—THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

''CHAPTER Sec.
''38. International design applications 381.

''CHAPTER 38—INTERNATIONAL DESIGN APPLICATIONS

''Sec.
''381. Definitions.
''382. Filing international design applications.
''383. International design application.
''384. Filing date.
''385. Effect of international design application.
''386. Right of priority.
''387. Relief from prescribed time limits.
''388. Withdrawn or abandoned international design application.
''389. Examination of international design application.
''390. Publication of international design application.

''§ 381. Definitions

''(a) IN GENERAL.—When used in this part, unless the context otherwise indicates—

''(1) the term 'treaty' means the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at Geneva on July 2, 1999;

''(2) the term 'regulations'—

''(A) when capitalized, means the Common Regulations under the treaty; and

''(B) when not capitalized, means the regulations established by the Director under this title;

''(3) the terms 'designation', 'designating', and 'designate' refer to a request that an international registration have effect in a Contracting Party to the treaty;

''(4) the term 'International Bureau' means the international intergovernmental organization that is recognized as the coordinating body under the treaty and the Regulations;

''(5) the term 'effective registration date' means the date of international registration determined by the International Bureau under the treaty;

''(6) the term 'international design application' means an application for international registration; and

''(7) the term 'international registration' means the international registration of an industrial design filed under the treaty.

''(b) RULE OF CONSTRUCTION.—Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

''§ 382. Filing international design applications

''(a) IN GENERAL.—Any person who is a national of the United States, or has a domicile, a habitual residence, or a real and effective industrial or commercial establishment in the United States, may file an international design application by submitting to the Patent and Trademark Office an application in such form, together with such fees, as may be prescribed by the Director.

''(b) REQUIRED ACTION.—The Patent and Trademark Office shall perform all acts connected with the discharge of its duties under the treaty, including the collection of international fees and transmittal thereof to the International Bureau. Subject to chapter 17, international design applications shall be forwarded by the Patent and Trademark Office to the International Bureau, upon payment of a transmittal fee.

''(c) APPLICABILITY OF CHAPTER 16.—Except as otherwise provided in this chapter, the provisions of chapter 16 shall apply.

''(d) APPLICATION FILED IN ANOTHER COUNTRY.—An international design application on an industrial design made in this country shall be considered to constitute the filing of

an application in a foreign country within the meaning of chapter 17 if the international design application is filed—

''(1) in a country other than the United States;

''(2) at the International Bureau; or

''(3) with an intergovernmental organization.

''§ 383. International design application

''In addition to any requirements pursuant to chapter 16, the international design application shall contain—

''(1) a request for international registration under the treaty;

''(2) an indication of the designated Contracting Parties;

''(3) data concerning the applicant as prescribed in the treaty and the Regulations;

''(4) copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international design application, presented in the number and manner prescribed in the treaty and the Regulations;

''(5) an indication of the product or products that constitute the industrial design or in relation to which the industrial design is to be used, as prescribed in the treaty and the Regulations;

''(6) the fees prescribed in the treaty and the Regulations; and

''(7) any other particulars prescribed in the Regulations.

''§ 384. Filing date

''(a) IN GENERAL.—Subject to subsection (b), the filing date of an international design application in the United States shall be the effective registration date. Notwithstanding the provisions of this part, any international design application designating the United States that otherwise meets the requirements of chapter 16 may be treated as a design application under chapter 16.

''(b) REVIEW.—An applicant may request review by the Director of the filing date of the international design application in the United States. The Director may determine that the filing date of the international design application in the United States is a date other than the effective registration date. The Director may establish procedures, including the payment of a surcharge, to review the filing date under this section. Such review may result in a determination that the application has a filing date in the United States other than the effective registration date.

''§ 385. Effect of international design application

''An international design application designating the United States shall have the effect, for all purposes, from its filing date determined in accordance with section 384, of an application for patent filed in the Patent and Trademark Office pursuant to chapter 16.

''§ 386. Right of priority

''(a) NATIONAL APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172, a national application shall be entitled to the right of priority based on a prior international design application that designated at least 1 country other than the United States.

''(b) PRIOR FOREIGN APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172 and the treaty and the Regulations, an international design application designating the United States shall be entitled to the right of priority based on a prior foreign application, a prior international application as defined in section 351(c) designating at least 1 country other than the United States, or a prior international design application designating at least 1 country other than the United States.

''(c) PRIOR NATIONAL APPLICATION.—In accordance with the conditions and requirements of section 120, an international design application designating the United States shall be entitled to the benefit of the filing date of a prior national application, a prior international application as defined in section 351(c) designating the United States, or a prior international design application designating the United States, and a national application shall be entitled to the benefit of the filing date of a prior international design application designating the United States. If any claim for the benefit of an earlier filing date is based on a prior international application as defined in section 351(c) which designated but did not originate in the United States or a prior international design application which designated but did not originate in the United States, the Director may require the filing in the Patent and Trademark Office of a certified copy of such application together with a translation thereof into the English language, if it was filed in another language.

''§ 387. Relief from prescribed time limits

''An applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international design application may be excused as to the United States upon a showing satisfactory to the Director of unintentional delay and under such conditions, including a requirement for payment of the fee specified in section 41(a)(7), as may be prescribed by the Director.

''§ 388. Withdrawn or abandoned international design application

''Subject to sections 384 and 387, if an international design application designating the United States is withdrawn, renounced or canceled or considered withdrawn or abandoned, either generally or as to the United States, under the conditions of the treaty and the Regulations, the designation of the United States shall have no effect after the date of withdrawal, renunciation, cancellation, or abandonment and shall be considered as not having been made, unless a claim for benefit of a prior filing date under section 386(c) was made in a national application, or an international design application designating the United States, or a claim for benefit under section 365(c) was made in an international application designating the United States, filed before the date of such withdrawal, renunciation, cancellation, or abandonment. However, such withdrawn, renounced, canceled, or abandoned international design application may serve as the basis for a claim of priority under subsections (a) and (b) of section 386, or under subsection (a) or (b) of section 365, if it designated a country other than the United States.

''§ 389. Examination of international design application

''(a) IN GENERAL.—The Director shall cause an examination to be made pursuant to this title of an international design application designating the United States.

''(b) APPLICABILITY OF CHAPTER 16.—All questions of substance and, unless otherwise required by the treaty and Regulations, procedures regarding an international design application designating the United States shall be determined as in the case of applications filed under chapter 16.

''(c) FEES.—The Director may prescribe fees for filing international design applications, for designating the United States, and for any other processing, services, or materials relating to international design applications, and may provide for later payment of such fees, including surcharges for later submission of fees.

''(d) ISSUANCE OF PATENT.—The Director may issue a patent based on an international design application designating the United States, in accordance with the provisions of this title. Such patent shall have the force and effect of a patent issued on an application filed under chapter 16.

''§ 390. Publication of international design application

''The publication under the treaty of an international design application designating the United States shall be deemed a publication under section 122(b).''.

(b) CONFORMING AMENDMENT.—The table of parts at the beginning of title 35, United States Code, is amended by adding at the end the following:

''V. The Hague Agreement concerning international registration of industrial designs ..... 401''.

SEC. 102. CONFORMING AMENDMENTS.

Title 35, United States Code, is amended—

(1) in section 100(i)(1)(B) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking ''right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c)'' and inserting ''right of priority under section 119, 365(a), 365(b), 386(a), or 386(b) or to the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)'';

(2) in section 102(d)(2) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking ''to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c)'' and inserting ''to claim a right of priority under section 119, 365(a), 365(b), 386(a), or 386(b), or to claim the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)'';

(3) in section 111(b)(7)—

(A) by striking ''section 119 or 365(a)'' and inserting ''section 119, 365(a), or 386(a)''; and

(B) by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)'';

(4) in section 115(g)(1) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)'';

(5) in section 120, in the first sentence, by striking ''section 363'' and inserting ''section 363 or 385'';

(6) in section 154—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)''; and

(ii) in paragraph (3), by striking ''section 119, 365(a), or 365(b)'' and inserting ''section 119, 365(a), 365(b), 386(a), or 386(b)''; and

(B) in subsection (d)(1), by inserting ''or an international design application filed under the treaty defined in section 381(a)(1) designating the United States under Article 5 of such treaty'' after ''Article 21(2)(a) of such treaty'';

(7) in section 173, by striking ''fourteen years'' and inserting ''15 years'';

(8) in section 365(c)—

(A) in the first sentence, by striking ''or a prior international application designating the United States'' and inserting '', a prior international application designating the United States, or a prior international design application as defined in section 381(a)(6) designating the United States''; and

(B) in the second sentence, by inserting ''or a prior international design application as defined in section 381(a)(6) which designated but did not originate in the United States''

after ''did not originate in the United States''; and

(9) in section 366—

(A) in the first sentence, by striking ''unless a claim'' and all that follows through ''withdrawal.'' and inserting ''unless a claim for benefit of a prior filing date under section 365(c) of this section was made in a national application, or an international application designating the United States, or a claim for benefit under section 386(c) was made in an international design application designating the United States, filed before the date of such withdrawal.''; and

(B) by striking the second sentence and inserting the following: ''However, such withdrawn international application may serve as the basis for a claim of priority under section 365 (a) and (b), or under section 386 (a) or (b), if it designated a country other than the United States.''.

SEC. 103. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall take effect on the later of—

(1) the date that is 1 year after the date of the enactment of this Act; or

(2) the date of entry into force of the treaty with respect to the United States.

(b) APPLICABILITY OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this title shall apply only to international design applications, international applications, and national applications filed on and after the effective date set forth in subsection (a), and patents issuing thereon.

(2) EXCEPTION.—Sections 100(i) and 102(d) of title 35, United States Code, as amended by this title, shall not apply to an application, or any patent issuing thereon, unless it is described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(c) DEFINITIONS.—For purposes of this section—

(1) the terms ''treaty'' and ''international design application'' have the meanings given those terms in section 381 of title 35, United States Code, as added by this title;

(2) the term ''international application'' has the meaning given that term in section 351(c) of title 35, United States Code; and

(3) the term ''national application'' means ''national application'' within the meaning of chapter 38 of title 35, United States Code, as added by this title.

TITLE II—PATENT LAW TREATY IMPLEMENTATION

SEC. 201. PROVISIONS TO IMPLEMENT THE PATENT LAW TREATY.

(a) APPLICATION FILING DATE.—Section 111 of title 35, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (3) and (4) and inserting the following:

''(3) FEE, OATH OR DECLARATION, AND CLAIMS.—The application shall be accompanied by the fee required by law. The fee, oath or declaration, and 1 or more claims may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee, oath or declaration, and 1 or more claims within such prescribed period, the application shall be regarded as abandoned.

''(4) FILING DATE.—The filing date of an application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.'';

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following:

''(3) FEE.—The application shall be accompanied by the fee required by law. The fee may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned.

''(4) FILING DATE.—The filing date of a provisional application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.''; and

(3) by adding at the end the following:

''(c) PRIOR FILED APPLICATION.—Notwithstanding the provisions of subsection (a), the Director may prescribe the conditions, including the payment of a surcharge, under which a reference made upon the filing of an application under subsection (a) to a previously filed application, specifying the previously filed application by application number and the intellectual property authority or country in which the application was filed, shall constitute the specification and any drawings of the subsequent application for purposes of a filing date. A copy of the specification and any drawings of the previously filed application shall be submitted within such period and under such conditions as may be prescribed by the Director. A failure to submit the copy of the specification and any drawings of the previously filed application within the prescribed period shall result in the application being regarded as abandoned. Such application shall be treated as having never been filed, unless—

''(1) the application is revived under section 27; and

''(2) a copy of the specification and any drawings of the previously filed application are submitted to the Director.''.

(b) RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHTS.—

(1) IN GENERAL.—Chapter 2 of title 35, United States Code, is amended by adding at the end the following:

''§ 27. Revival of applications; reinstatement of reexamination proceedings

''The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to revive an unintentionally abandoned application for patent, accept an unintentionally delayed payment of the fee for issuing each patent, or accept an unintentionally delayed response by the patent owner in a reexamination proceeding, upon petition by the applicant for patent or patent owner.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 35, United States Code, is amended by adding at the end the following:

''27. Revival of applications; reinstatement of reexamination proceedings.''.

(c) RESTORATION OF PRIORITY RIGHT.—Title 35, United States Code, is amended—

(1) in section 119—

(A) in subsection (a)—

(i) by striking ''twelve'' and inserting ''12''; and

(ii) by adding at the end the following: ''The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application in this country within the 12-month period was unintentional.''; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by inserting after the first sentence the following: ''The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application under section 111(a) or section 363 within the 12-month period was unintentional.''; and

(II) in the last sentence—

(aa) by striking ''including the payment of a surcharge'' and inserting ''including the payment of the fee specified in section 41(a)(7)''; and

(bb) by striking ''during the pendency of the application''; and

(ii) in paragraph (3), by adding at the end the following: ''For an application for patent filed under section 363 in a Receiving Office other than the Patent and Trademark Office, the 12-month and additional 2-month period set forth in this subsection shall be extended as provided under the treaty and Regulations as defined in section 351.''; and

(2) in section 365(b), by adding at the end the following: ''The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to accept an unintentionally delayed claim for priority under the treaty and the Regulations, and to accept a priority claim that pertains to an application that was not filed within the priority period specified in the treaty and Regulations, but was filed within the additional 2-month period specified under section 119(a) or the treaty and Regulations.''.

(d) RECORDATION OF OWNERSHIP INTERESTS.—Section 261 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph by adding at the end the following: ''The Patent and Trademark Office shall maintain a register of interests in patents and applications for patents and shall record any document related thereto upon request, and may require a fee therefor.''; and

(2) in the fourth undesignated paragraph by striking ''An assignment'' and inserting ''An interest that constitutes an assignment''.

SEC. 202. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 171 of title 35, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) IN GENERAL.—Whoever'';

(2) by striking ''The provisions'' and inserting ''(b) APPLICABILITY OF THIS TITLE.—The provisions''; and

(3) by adding at the end the following:

''(c) FILING DATE.—The filing date of an application for patent for design shall be the date on which the specification as prescribed by section 112 and any required drawings are filed.''.

(b) RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHT.—Title 35, United States Code, is amended—

(1) in section 41—

(A) in subsection (a), by striking paragraph (7) and inserting the following:

''(7) REVIVAL FEES.—On filing each petition for the revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, for the delayed response by the patent owner in any reexamination proceeding, for the delayed payment of the fee for maintaining a patent in force, for the delayed submission of a priority or benefit claim, or for the extension of the 12-month period for filing a subsequent application, $1,700.00. The Director may refund any part of the fee specified in this paragraph, in exceptional circumstances as determined by the Director''; and

(B) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) ACCEPTANCE.—The Director may accept the payment of any maintenance fee required by subsection (b) after the 6-month grace period if the delay is shown to the satisfaction of the Director to have been unintentional. The Director may require the payment of the fee specified in subsection (a)(7) as a condition of accepting payment of any maintenance fee after the 6-month grace period. If the Director accepts payment of a

maintenance fee after the 6-month grace period, the patent shall be considered as not having expired at the end of the grace period.'';

(2) in section 119(b)(2), in the second sentence, by striking ''including the payment of a surcharge'' and inserting ''including the requirement for payment of the fee specified in section 41(a)(7)'';

(3) in section 120, in the fourth sentence, by striking ''including the payment of a surcharge'' and inserting ''including the requirement for payment of the fee specified in section 41(a)(7)'';

(4) in section 122(b)(2)(B)(iii), in the second sentence, by striking '', unless it is shown'' and all that follows through ''unintentional'';

(5) in section 133, by striking '', unless it be shown'' and all that follows through ''unavoidable'';

(6) by striking section 151 and inserting the following:

''§ 151. Issue of patent

''(a) IN GENERAL.—If it appears that an applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee and any required publication fee, which shall be paid within 3 months thereafter.

''(b) EFFECT OF PAYMENT.—Upon payment of this sum the patent may issue, but if payment is not timely made, the application shall be regarded as abandoned.'';

(7) in section 361, by striking subsection (c) and inserting the following:

''(c) International applications filed in the Patent and Trademark Office shall be filed in the English language, or an English translation shall be filed within such later time as may be fixed by the Director.'';

(8) in section 364, by striking subsection (b) and inserting the following:

''(b) An applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international application may be excused as provided in the treaty and the Regulations.''; and

(9) in section 371(d), in the third sentence, by striking '', unless it be shown to the satisfaction of the Director that such failure to comply was unavoidable''.

SEC. 203. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title—

(1) shall take effect on the date that is 1 year after the date of the enactment of this Act; and

(2) shall apply to—

(A) any patent issued before, on, or after the effective date set forth in paragraph (1); and

(B) any application for patent that is pending on or filed after the effective date set forth in paragraph (1).

(b) EXCEPTIONS.—

(1) SECTION 201(a).—The amendments made by section 201(a) shall apply only to applications that are filed on or after the effective date set forth in subsection (a)(1).

(2) PATENTS IN LITIGATION.—The amendments made by this title shall have no effect with respect to any patent that is the subject of litigation in an action commenced before the effective date set forth in subsection (a)(1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 3486, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Senate ratified both The Hague Agreement on Industrial Designs and the Patent Law Treaty in December of 2007. Each treaty is noncontroversial and helps American inventors who need overseas patent protection.

However, the treaties cannot take effect until we amend our national patent law to cohere with our new obligations. Now that patent reform is behind us, we turn to implement both treaties through S. 3486. And I thank Ranking Member CONYERS, Senator LEAHY, Senator GRASSLEY, and PTO Director Kappos for their work on this bill.

The Hague Agreement makes the process of registering industrial designs in other countries much easier for American applicants. Its signature provision allows a design owner to apply for protection in a number of African, Asian, and European nations through a single filing.

Currently, an American design applicant must file separate applications for design protection in each country or intergovernmental organization. The centralized registration procedure under the agreement will bring substantial cost savings to American industrial design owners.

In addition, the filing of a single application that is accepted by a centralized office will lead to fewer processing mistakes and delays by the applicant and foreign patent offices.

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The Hague Agreement also specifies administrative procedures to be followed by design patent applicants seeking multinational registration under the act. This allows us to provide the United States with the administrative benefits of a multinational design protection system and still retain our own substantive system.

The Patent Law Treaty, or PLT, also simplifies the formal obligations imposed on inventors and reduces cost for patent applicants and owners. The PLT furthers our policy of strong and intellectual property protection. It simplifies national and international formal requirements associated with patent applications and patents. This makes it easier for American patent applicants and owners to obtain and maintain patents throughout the world, as well as in the United States.

The drafting of S. 3486 was a collaborative effort that included the bipartisan and bicameral participation of the House and Senate Judiciary Committees, the Patent and Trademark Office, and the House legislative counsel. I again want to thank Ranking Member CONYERS, Senator LEAHY, Senator GRASSLEY, and PTO Director Kappos for their contributions to the project.

S. 3486 saves American inventors money and expands their patent protection outside the United States. I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3486 because it will decrease the barriers that U.S. innovators and businesses confront when they pursue patent protection in foreign countries. Specifically, the legislation will standardize the application procedures of the U.S. Patent and Trademark Office and will make them consistent with The Hague Agreement concerning the international registration of industrial designs known as The Hague Treaty and the Patent Law Treaty.

The bill implements The Hague Treaty and Patent Law Treaty, which were ratified by the Senate unanimously on December 7, 2007. Unfortunately, neither of these treaties have yet to take effect in the United States because we have not passed implementing legislation. This bill addresses this problem in the following respects.

To begin with, the bill standardizes the application procedures so they're consistent with the procedures in other countries that are signatories to the treaties. Under current law, U.S. designers must file separate applications in each jurisdiction where they want to receive rights. This procedure is burdensome, complicated, and often involves several languages. Under this measure, the U.S. creators of industrial designs will be able to use a simplified application system by filing a single English language international design application with the Patent and Trademark Office. This modification will not affect the standard for attaining a design patent, but it will aid small companies in seeking to expand their businesses overseas by streamlining the application process. Additionally, the bill will extend the term of the design patent from 14 years to 15 years, which will benefit U.S. patent holders.

Second, the bill implements provisions under the Patent Law Treaty that revive applications which have been unintentionally abandoned.

Finally, by implementing the Patent Law Treaty, several hurdles which disadvantage American businesses will be removed. Implementing the Patent Law Treaty will amend patent application procedures for filing dates, fees, surcharges for fees, as well as for oaths, declarations, and claims submitted after the filing date. These modifications should save innovators precious resources.

In conclusion, the bill would benefit our Nation's economy by helping

American innovators and businesses better protect their inventions overseas.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we have no other speakers on this side, and I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 3486.

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

A motion to reconsider was laid on the table.

21ST CENTURY LANGUAGE ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2367) to strike the word ''lunatic'' from Federal law, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2367

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 ''21st Century Language Act of 2012''.

SEC. 2. MODERNIZATION OF LANGUAGE REFERRING TO PERSONS WHO ARE MENTALLY ILL.

(a) WORDS DENOTING NUMBER, GENDER, AND SO FORTH.—Section 1 of title 1, United States Code, is amended—

(1) by striking ''and 'lunatic' ''; and

(2) by striking ''lunatic,''.

(b) BANKING LAW PROVISIONS.—

(1) TRUST POWERS.—The first section of the Act entitled ''An Act to place authority over the trust powers of national banks in the Comptroller of the Currency'', approved September 28, 1962 (12 U.S.C. 92a), is amended—

(A) in subsection (a), by striking ''committee of estates of lunatics,''; and

(B) in subsection (b), by striking ''committee of estates of lunatics''.

(2) CONSOLIDATION AND MERGERS OF BANKS.—The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(A) in section 2 (12 U.S.C. 215)—

(i) in subsection (e), by striking ''receiver, and committee of estates of lunatics'' and inserting ''and receiver''; and

(ii) in subsection (f), by striking ''receiver, or committee of estates of lunatics'' and inserting ''or receiver''; and

(B) in section 3 (12 U.S.C. 215a)—

(i) in subsection (e), by striking ''receiver, and committee of estates of lunatics'' and inserting ''and receiver''; and

(ii) in subsection (f), by striking ''receiver, or committee of estates of lunatics'' and inserting ''or receiver''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 2367, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 21st Century Language Act is a relatively simple bill. It strikes the word ''lunatic'' from the United States Code.

The term ''lunatic'' derives from the Latin word for ''moon.'' Before the modern era, it was used to describe a person who suffers from mental disease because of the belief that lunar cycles had an impact on brain function. But as science and medicine have progressed, society has come to understand mental illness with more clarity.

Senator CONRAD and Senator CRAPO introduced the legislation under consideration to strike the word ''lunatic'' from the United States Code. I thank them for their effort, and I encourage my colleagues to join me in support of this bill to modernize our codified law to reflect a 21st-century understanding of mental illness.

With that, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill eliminates outdated references in the U.S. Code that stigmatize individuals with mental illness issues. This legislation easily passed the Senate with strong bipartisan support.

The bill eliminates the word ''lunatic'' from several sections of the United States Code in order for our Code to reflect meanings which are much more appropriate and up to date in the 21st century.

In the past, Members of Congress from both sides of the aisle have worked together to address similar terms in the Code which negatively describe individuals with mental health issues. For example, in 2010, Rosa's Law passed in Congress with bipartisan support and was later signed into law. The law replaced parts of the Code containing the phrase ''having mental retardation'' with the phrase ''having intellectual disabilities.''

The term ''lunatic'' holds a place in antiquity and should no longer have a prominent place in our U.S. Code. Although the bill does not replace the word with another term, it follows the precedence of Congress to study semantics and continuously improves the status and appropriateness of our Nation's laws by addressing pejorative terms.

I applaud the bipartisan group of Senators—Senators CONRAD, CRAPO, and JOHANNS—for their work on this legislation. In addition, the bill shares strong support among our Nation's leading mental health advocates.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 2367.

The question was taken.

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

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess.

□ 1117

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 11 o'clock and 17 minutes a.m.

ELIMINATE PRIVACY NOTICE CONFUSION ACT

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent to withdraw my motion that the House suspend the rules with regard to H.R. 5817.

The SPEAKER pro tempore. The motion is withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. Con. Res. 50, H.R. 6602, and S. 2367, in each case by the yeas and nays.

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

SENSE OF CONGRESS ON GOVERNANCE OF THE INTERNET

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in

the concurrent resolution (S. Con. Res. 50) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and concur in the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 34, as follows:

[Roll No. 617]

YEAS—397

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

NOT VOTING—34

Ackerman
Akin
Austria
Baca
Bachmann
Bartlett
Bass (NH)
Bilbray
Black
Bonner
Bono Mack
Burton (IN)
Calvert
Costello
Hastings (FL)
Johnson (IL)
Kline
Mack
Marino
Matsui
McKeon
Miller, Gary
Nadler
Paul
Pence
Ruppersberger
Schilling
Shuler
Speier
Sullivan
Thornberry
Towns
Velázquez
Visclosky

□ 1140

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS AND IMPROVEMENTS IN TITLE 36, UNITED STATES CODE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6602) to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 39, as follows:

[Roll No. 618]

YEAS—392

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Bachus
Baldwin
Barletta
Barrow
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Massie

Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—39

Ackerman
Akin
Austria
Baca
Bachmann
Barber
Bartlett
Bass (NH)
Berman
Bilbray
Bonner
Bono Mack
Burton (IN)
Calvert
Costello
Dicks
Fleming
Grijalva
Hastings (FL)
Johnson (IL)
Kline
Mack
Marino
Matsui
McKeon
McMorris Rodgers
Miller, Gary
Paul
Pence
Quigley
Schilling
Shuler
Smith (TX)
Speier
Sullivan
Towns
Velázquez
Visclosky
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1147

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

21ST CENTURY LANGUAGE ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 2367) to strike the word ''lunatic'' from Federal law, and for other purposes on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 1, not voting 32, as follows:

[Roll No. 619]

YEAS—398

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

NAYS—1

Gohmert

NOT VOTING—32

Ackerman
Akin
Austria
Baca
Bachmann
Bartlett
Bass (NH)
Bilbray
Bonner
Bono Mack
Burton (IN)
Calvert
Costello
Hastings (FL)
Johnson (IL)
Kline
Mack
Marino
Matsui
McKeon
Miller (MI)
Miller, Gary
Paul
Pence
Quigley
Schilling
Shuler
Shuster
Speier
Sullivan
Velázquez
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1155

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MILLER of Michigan. Mr. Speaker, on rollcall No. 619 I was inadvertly detained. Had I been present, I would have voted "yea."

CHANGING EFFECTIVE DATE OF CERTAIN FINANCIAL DISCLOSURE FORMS

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that the Committees on Oversight & Government Reform and House Administration be discharged from further consideration of the bill (H.R. 6634) to change the effective date for the Internet publication for certain financial disclosure forms, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6634

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

SECTION 1. CHANGED EFFECTIVE DATE FOR FINANCIAL DISCLOSURE FORMS OF CERTAIN OFFICERS AND EMPLOYEES.

Section 1(a) of the Act entitled ''An Act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes'', approved September 28, 2012 (Public Law 112–178; 5 U.S.C. App. 105 note) is amended by striking ''December 8, 2012'' and inserting ''April 15, 2013''.

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on December 8, 2012.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1200

MOMENT OF SILENCE IN REMEMBRANCE OF THE HONORABLE JACK BROOKS

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

Mr. HALL. Mr. Speaker, I rise today along with my colleagues, GENE GREEN and SHEILA JACKSON LEE, to ask you to join us in a moment of silence honoring our colleague, the Honorable Jack Brooks, former dean, who passed away yesterday evening at the age of 89. Jack Brooks was a fellow Texan and a good friend who served 42 years in Congress. He was a leader dedicated to bettering our country, and he will be sorely and dearly missed by his family, friends, and this Congress.

The SPEAKER pro tempore. Members will please rise for a moment of silence.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I would be glad to yield to my friend, the majority leader, for his favorite 10 or 15 or 20 minutes of the week to inquire of the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, no votes are expected in the House. On Tuesday, the House will meet at noon for morning-hour and at 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Wednesday, the House will meet at 10 a.m. for morning-hour and at noon for legislative business. On Thursday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m. on Thursday. Members are advised that this is a change from the original House calendar.

Mr. Speaker, the House will consider a number of bills under suspension of the rules, a complete list of which will be announced by the close of business Friday. Additionally, the House will appoint conferees for the National Defense Authorization Act now that the Senate has completed its work.

As was announced last week, the House has a number of outstanding legislative items that we must resolve, and first amongst them is the so-called ''fiscal cliff.'' Though the House's target adjournment set in October of last year was December 14, that is no longer the case. Instead, Members are advised that the House will now be in session the week of December 17. Exact days will be announced next week. Members are further reminded that the House will not adjourn the 112th Congress until a credible solution to the fiscal cliff has been found.

Mr. HOYER. I thank the gentleman for his comments. I thank him for the early notice on next Friday.

First, Mr. Leader, if I could, we have the ending as next Thursday. I want to clarify for Members so that they know: we will not be in session next Friday. Is that accurate?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that is correct.

Mr. HOYER. Thank you for that information.

I also want to congratulate the gentleman for providing for the week of the 17th. I know none of us want to do that, but I appreciate the majority's focus on the business that has not been done. I also appreciate the gentleman's focus on the fiscal cliff and for indicating that we need to resolve that prior to leaving the 112th Congress. I think those are both positive announcements. I applaud him for that.

On the fiscal cliff—we discuss this all the time—but I want to inform the majority leader that there are now 175 signatures—we hope to have more, and we would obviously welcome people on your side of the aisle—on the discharge petition for the Walz bill, which mirrors the Senate bill, as the majority leader, I'm sure, knows, to ensure that no individual who makes $200,000 or less on net taxable income or that a family who makes $250,000 or less will see a tax increase on January 1. Hopefully, we will resolve the fiscal cliff and get an agreement.

I again ask my friend: the Walz bill will be compliant with the rules and will not have a blue slip problem, obviously, and hopefully we could move that bill. Again, for the purposes of giving confidence to the 98 percent of our taxpayers who are making less than the sums put forward in the bill—$200,000 and $250,000—I understand and anticipate the gentleman's response that we are all concerned with growing the economy and creating jobs and that we don't want to dampen that dam; and we understand the gentleman's concern about small businesses, particularly those 3 percent of small businesses that make more than this and report it on a personal income basis.

I would hope that we could give serious consideration to trying to act sooner than the end of the year and as soon as possible, frankly, on—as we call it—the middle class tax cut, the $250,000 and under.

I yield to my friend to see whether or not, perhaps, the actions that have been taken this week have any bearing on his thoughts on whether we could schedule that bill.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that I don't think it is a good thing right now to bring that bill to the floor because we hope that we can have successful negotiations with the White House.

I think, as the gentleman said earlier this week, Mr. Speaker, that our side actually put on the table, in our letter to the President, some specific proposals that actually deserve a response from the White House. That's what we're looking for: Are we going to get a response to our proposal about putting revenues of $800 billion on the table, of putting out there a framework for spending reduction?

I know, Mr. Speaker, the gentleman has agreed with me that we've got to do something to address the spending problem because you can't keep taxing and borrowing without doing the other side, which is to take care of the problem of spending. I think that the letter and the proposal that we sent to the President deserve a response, Mr. Speaker; and if we don't get a response, then perhaps the President will be willing to meet with us—one or the other—because it doesn't seem to me to be upholding the obligation to the American people that we're going to resolve this issue if we just stand still.

□ 1210

We put these specifics out on the table. The President has not responded. We ask the President to respond, Mr. Speaker. And I'd say to the gentleman that I hope that that's what can happen, either a response from the President—not just a summary rejection but a specific, serious response in the nature of our proposal—or if the President would agree to sit down and talk

about it. That's what we've got to do to fulfill our obligation. I don't think bringing that bill to the floor, Mr. Speaker, is going to further that likelihood.

Mr. HOYER. I thank the gentleman for his observation.

He and I do share the view that we need to address both the revenue side and spending side of our budget. My view is, and I've said this on a regular basis, what we really have is not necessarily a taxing problem or a spending problem; we have a paying for problem. The actions we take, we ought to pay for them. We haven't done that through the years. Frankly, we haven't done it on both sides of the aisle. I don't want to get into that specific argument, but the fact is, if we pay for things, you don't create debt. And if you cut revenues and you cut spending, you don't create debt. If you cut revenues and don't cut spending, you create debt just as surely as if you spend money and buy things and don't pay for them. In either instance, you create debt, and we need to get this country on a fiscally sustainable path.

So I congratulate the gentleman—not the gentleman specifically, but I was pleased, and the gentleman and I would disagree on the specificity of the offer that was included or the suggestion that was included in your letter. For instance, the President has put forward, as you know, in his budget and in his further proposals, an extensive list of reductions in spending that he proposed. In addition, he has put forward very specific proposals vis-a-vis revenues. His most specific proposal, of course, has been widely debated and discussed, and there was a difference of opinion on whether or not we ought to cap the taxes on $250,000 and under families and $200,000 and under individuals. There was a very robust debate on that during the campaign. The voters voted, and that's a very specific proposal.

In the $800 billion that you suggest in the letter that you jointly signed with the Speaker and others, there is a suggestion of $800 billion in revenues, which I believe is insufficient to get us to where we need to be. But having said that, it is certainly a good start, but it is not a good start if all it is is conceptual.

The President, as I said, has made very specific proposals. He wants taxes on those making over $250,000 to go up. That produces a certain amount of revenue, somewhere in the neighborhood of the $800 billion of which you speak. The fact is, though, in your proposal, we don't have the specifics other than to know that you're focused on preferences or loopholes—describe them as you may—which would be a reduction.

The gentleman knows the three largest of those is the health care, the mortgage interest, and the pension benefits that can be taken off your taxes. I don't know whether the gentleman suggests reducing those specifically, and I don't ask him to respond to that now, but I do tell my friend that if we don't have those specifics, as you have very specifically from the President, he also recommended capping deductions at 28 percent, a very specific revenue-generating proposal. He has also, as I said, agreed to very substantial spending cuts which he has outlined in his budget. And, as the gentleman also knows, we've cut a trillion dollars, give or take some billions of dollars, in expenditures pursuant to the debt limit extension of 2011. So we have addressed very substantial reductions in funding for 2011, for 2012, for 2013, and for out-years after that.

So I would urge my friend, when he says he's given specifics, as far as I know, the letter essentially has five lines in it. The letter is longer than that, but five lines of spending and/or tax-cutting proposals, but they are all generic, not specific. And that is, I think, the problem we have in these negotiations, to the extent that they exist. Unfortunately, we're not doing as much as I think we ought to be doing. We don't have specifics, and, therefore, conceptually everybody can say, well, we want to get $800 billion. The President and, apparently, your letter agree on that. How you get there is the key. And if you don't have specifics—the President has offered specifics on how to get there. I would respectfully suggest you have not offered specifics other than we're going to deal with preference items. But they're very controversial: charitable deductions, very controversial; other deductions, controversial. We have to really get down to the nitty-gritty of, okay, how are you going to do it?

I would urge the gentleman, in furtherance of what he and his party have already done, to perhaps be specific in how we get the $800 billion. The President has said how we get the $800 billion. I think that would be very helpful, and I yield to my friend.

Mr. CANTOR. I thank the gentleman.

That's what, really, discussions are for; that's what meetings are for. It's to try to get to the specifics. And although he and I differ, Mr. Speaker, the gentleman and I differ about the specifics of our proposal and the President's proposal because, frankly, I know and I think both sides know where each other are on taxes right now. Certainly the President was in a different place back in the summer of 2011 when he had indicated that—what was said was, Give us $1 trillion in additional revenues which could be accomplished without hiking tax rates is what the President said. Certainly the position he's taking now, that absolutely we have to have rate increases, is different than that. But that's what the President has said this time. So we know where each other is there. It's the specifics on the spending.

The gentleman points out, Mr. Speaker, that the President has submitted budgets in the past. There's been no discussions of specifics whatsoever, even when the Speaker or I have suggested in meetings that we've had as to where are your specifics. They have just not been forthcoming. So if the President is serious to actually do something about the problem, then I think we do need to come together and say to the American people we're willing to cut the wasteful spending here and, in the gentleman's own words, Mr. Speaker, to pay for what we actually spend, not to just keep spending what we don't have. I think it could really move the ball forward on these negotiations.

So I accept the spirit in which the gentleman suggests we should have more discussions to get the ball moving forward; it's just the White House doesn't seem willing to do so. And instead, we see the President going on a television interview and saying that he summarily rejects our position instead of trying to get down to the specifics of the problem, which is reducing wasteful spending.

Mr. HOYER. I thank the gentleman.

I want to say two things. First of all, I want to clarify, and I think I did clarify, that $800 billion clearly is in your proposal. When I said the President agrees with that $800 billion, he agrees to getting to at least $800 billion. He thinks we need more. I agree with the President; we need more.

When the gentleman says the problem is wasteful spending, I disagree with the gentleman very substantially on that. The problem is not wasteful spending; the problem is spending. Whether it's not wasteful or not, if it's good spending, we need to pay for it.

Now, where the gentleman and I have a very substantial disagreement, I know, is that when the gentleman and his party voted to reduce revenues by over $2 trillion, they didn't reduce spending by $2 trillion. As I said at the outset, inevitably, if you reduce revenues by $2 trillion and you up spending, which is what happened, frankly, as all of us know from 2001 to 2008, and particularly 2001 to 2006, if you up spending and reduce revenues, inevitably you have debt, just as if you buy stuff and don't pay for it, you have debt. So whether you reduce revenues or don't pay for what you buy, the result is exactly the same—debt. So that's why I say paying for is the problem.

The gentleman and I have a very substantive disagreement on whether or not you ought to have to pay for tax cuts. You have to pay for it one way or the other. You're either going to pay for it by having additional debt on which you'll pay substantial interest, or you'll pay for it by reducing programs. It's not wasteful spending. I'd like to get rid of all wasteful spending.

□ 1220

But I suggest to the gentleman, and he knows the figures as well as I do because we've been through a lot of meetings together on this, the issue is not wasteful spending. The issue is we've decided to buy things, a lot of which I think we ought to be buying, including

Social Security, including Medicare, including investment in education, including investment in infrastructure, including investment in innovation to grow our economy, which, in turn, will help our deficit situation as the economy grows, without raising any taxes.

But the fact of the matter is, I know the gentleman has historically not felt that tax cuts ought to be paid for, either by cutting spending, which didn't occur, or by offsetting revenues.

So I want to make it clear the President does not agree with the $800 billion level because he doesn't think the math works. I share the President's view. The math doesn't work.

And ultimately, in my opinion, the most useful effort will be if we all agree on the objective, whether it's $4 trillion, whether it's 70 percent debt to GDP ratio, which most economists, or a little less than that, say is sustainable and will have us on a sustainable path.

If we all agreed on the objective and then, Mr. Majority Leader, simply made the math work to get there in a way that we could agree on, I think America would be advantaged, I think the economy would be advantaged, and we would see a renaissance of job creation in this country as we did in the 2000s.

I'll be glad to yield to my friend.

Mr. CANTOR. I accept the gentleman's good intentions, and I know that he doesn't think that we ought to be imposing additional obligations on the American people to pay more of their money into Washington if the money is not going to be spent in a way that is something that they would like.

So if it's wasteful spending, or if it's spending just to aggravate the deficit situation, and that's from the perspective that we come, fix the problem. If the obsession is to raise taxes, you know we don't agree with that, but fix the problem.

So if you're asking for somebody to give more of their money to Washington, then at least be able to tell them that we are going to manage down the debt. That's what we're about here, which is why the focus is on spending, and how we have to ratchet down the spending in this town.

That's where we've heard no specifics or willingness on the part of the President to engage in discussions about specifics on spending.

As far as the math is concerned, again, it was a very different President in the summer of 2011 when he said $1.2 trillion in additional revenues could be accomplished without hiking tax rates. That's what he said. So, again, all of a sudden that math doesn't work, but it worked for 1.2 before.

Regardless, we sort of understand now, at least this round, where everyone is on taxes. Let's get to the problem, and maybe then we can resolve the taxes question.

Mr. HOYER. Well, we have a fundamental disagreement because the gentleman continues to want to focus on spending. I think that's right that we focus on spending. But again, debt is not caused by spending; it is caused by buying things that you don't pay for, or it's caused by cutting revenues that you don't offset either by cuts in spending, by cutting revenues. That's what causes debt. It's not buying things that causes debt. It's not paying for things.

The discipline, I will tell my friend, in the system for the American public is, if they want things, for us having the honesty to say, okay, if you want a tax cut or you want a strong defense, it costs money, both of them cost money. And if you're willing to pay for it, we will do that. If you're not willing to pay for it, we ought not to do it.

That's not been our practice, unfortunately, and we dropped the PAYGO requirement, as the gentleman knows, in 2001, actually 2003 legally. De facto, we dropped it in 2001, because we had substantial tax cuts without paying for them. We waived that requirement, and I think that, frankly, got us into the problem we have on either side of the aisle, whether it's spending or revenue reductions.

I don't think the President's changed his position. I think the positions have changed. Mr. Bowles indicated that. Others have indicated that. The situation has changed its dynamic in the sense that it's not the situation we were confronting in 2011.

But this is an important discussion because it really requires us to come to make a commonsense, math decision, not an ideological decision driven by debate about spending or taxes, but on how we have a budget that is a sustainable budget for our kids and for our grandkids and for our country over the long term. And I think that's what this discussion ought to be about. And if it is, I think we can get this challenge resolved, and Americans and America will say finally, finally, those representatives we've sent to Washington have sat down together with one another and made sense.

Again, I want to say to the gentleman, I can't read it either, and you certainly can't read it from there. But you can see that, perhaps, the five lines here, and then the very long lines the President has proposed in terms of cuts and revenues.

I think if you're expecting the President to come and say, well, we can get your $800 billion this way, that way and the other way, he's not going to do that because he's not going to negotiate with himself.

On the other hand, if you come to us and say specifically this is how we're going to get the $800 billion, we're going to eliminate the charitable deduction. This is how we're going to get the $800 billion, we're going to eliminate the mortgage deduction, that's something we can discuss. But if we don't have specifics on what you're going to do, but just a conclusionary ''we're going to get 800 billion,'' then it's hard to negotiate because we don't know what the negotiation parameters are.

I yield to my friend.

Mr. CANTOR. I'd just say, the gentleman is really saying there is a need for discussions, and that's what I'm saying today, Mr. Speaker.

Mr. HOYER. We agree.

Mr. CANTOR. We need to sit down and discuss. We do agree on that. Obviously, the White House doesn't agree on that, and we're trying to urge some real serious commitment to resolving this on the part of the White House.

Mr. HOYER. The gentleman has indicated there is other business that needs to be done. Let me briefly address those.

The farm bill, obviously, continues to be not resolved, not addressed. The Senate passed a bill, as the gentleman so well knows, 64–35, two-thirds of the Senate voting for it. We would be hopeful that that Senate bill could be put on the floor. I've talked to Chairwoman STABENOW. She and her ranking member worked very hard on that. I know our committee's reported out a bill 35–11, but that has not come to the floor. That was passed out almost 6 months ago, 5 months ago.

So I would hope that the farm bill could be moved. I know I'm going to be talking to some of my ag community today. They're very hopeful that a—not a stopgap but a farm bill of a sufficient length—and I think they would opt—I don't want to speak for them before I meet with them—but for the Senate bill, we need to pass that. Milk prices, as you know, will spike dramatically on January 1 if we don't pass the farm bill.

Also, on the Violence Against Women Act, I know last week we had the sponsor in the chair. I didn't know that. I thank the gentleman for reminding me.

But the Violence Against Women Act has been passed by this House and by the Senate. I would urge the majority to get us to conference on that. Rather than go through why I think the Senate bill's a good bill and you think the House bill's a good bill, the way to resolve that is to go to conference. I would urge the gentleman to go to conference on the Violence Against Women Act.

I believe the President is going to come down in very short order with some preliminary numbers on the supplemental. I think I'm going to New York tomorrow to spend time with some of our Members there and see the devastation that has occurred. The gentleman, I know, is very aware of that as well. We need to do a supplemental, so we need to have time to do that.

And lastly, although we haven't discussed it very often—it's not a very sexy issue, postal reform, again, is another issue that we're talking about balancing. The postal department has not been able to balance its budget, as we know. Part of it is dealing with the retirement programs that they're funding.

But I'm wondering if the gentleman has any thoughts on any one of those four bills.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I'll try and be brief. On the farm bill, the gentleman is correct. We're going to face some very dire consequences if we don't act on the issue prior to leaving here. And part of what I had indicated last week is that is something we are focused on and know we've got to deal with the issue prior to the end of the year.

On the issue of VAWA, as the gentleman and I have discussed many times on the floor, he knows that we can't go to conference with the Senate bill. The Senate bill has a blue slip problem.

I am speaking with the Vice President and his office and trying to resolve the issue of the differences surrounding the VAWA bill. This week I've actually been encouraged to see that we could very well see agreement on VAWA, and I'm very hopeful that that comes about. But I am encouraged about the discussions that my office is having with the Vice President's office right now, that bill being a high priority of Vice President BIDEN.

□ 1230

On the issue of the supplemental, I imagine, Mr. Speaker, the gentleman has seen the press reports that I have that the White House is anticipating sending up a $60 billion supplemental request for damages related to Sandy, and I think tomorrow would be that day, at least according to press reports. As the gentleman may know, the FEMA Director testified to the House yesterday that the agency can meet its needs associated with the disaster through the spring. Approximately $2 billion has been delivered, with about $5 billion remaining in the disaster relief fund.

So, again, no one is here saying that we don't want to deliver the necessary aid to the victims, because that is a priority. But we're looking forward to receiving that request and taking a look at the numbers and the need to make sure we can move forward on that as well.

Lastly, Mr. Speaker, postal reform. The gentleman and I have, yes, talked about this a lot and know that the issue has to do with the obligations of the Postal Service and how we can address those to create a more balanced prospect for the future to allow for its continuance, so we're looking at that as well. And the gentleman knows there's a lot of discussions, both bipartisan and bicameral, on that issue as well.

Mr. HOYER. I thank the gentleman.

Obviously, we are coming here to meet and we're focused on the fiscal cliff, but there are other things that we could be, hopefully, resolving in the time that we have available to us between now and the end of the year, and I would hope that we would do that.

I yield back the balance of my time.

ADJOURNMENT TO FRIDAY, DECEMBER 7, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Friday, December 7, 2012, and further when the House adjourns on that day, it adjourn to meet at noon on Tuesday, December 11, 2012, for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mr. BERG). Is there objection to the request of the gentleman from Virginia?

There was no objection.

CONGRATULATING RYAN DEVLIN ON RECEIVING 2013 PENNSYLVANIA TEACHER OF THE YEAR AWARD

(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, I rise today to congratulate Ryan Devlin of Brockway, Pennsylvania, on receiving the 2013 Pennsylvania Teacher of the Year Award. Ryan is the youngest educator to receive this esteemed award. His recognition also marks the 2nd consecutive year in which the recipient is from the Fifth District of Pennsylvania, which I'm proud to represent.

In 2009, Ryan completed his master's degree in education at California University of Pennsylvania. The following year he was hired by the English Department at Brockway Area School District. Today, he teaches British literature, creative writing, digital media, and computer science, and also serves as the adviser to the senior high gifted program.

Ryan is a teacher that goes above and beyond, a characteristic he has demonstrated year after year. For example, he's played an active role in introducing new technology to both students and staff and has worked to develop 21st century learning skills in a classroom environment that fosters creativity, innovation, and critical thinking. Most importantly, Ryan works tirelessly to help his students achieve success in the classroom.

Ryan Devlin, thank you for your commitment to the teaching profession. Congratulations.

TRIBUTE TO CONGRESSMAN JACK BROOKS

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

Mr. GENE GREEN of Texas. Mr. Speaker, as announced earlier by Congressman RALPH HALL, we lost a memorable Texas legislator, Congressman Jack Brooks, who proudly served his southeast Texas district for 42 years after he was first elected in 1952, ultimately serving as dean of this House of Representatives and dean of our congressional delegation.

I knew Jack Brooks from my days in the State legislature, and he was one of my mentors when I first came to the House of Representatives. Representative Brooks was known for his tough persona and for chewing on his cigar while commanding a room. But he had a heart of gold. I remember sitting down with him when I first came to the House of Representatives. When he asked me what committee I wanted to serve on, I thought, well, I'll get what I need. I told him I wanted Energy and Commerce. He chewed on his cigar and said, You'll get Ed and Labor and like it.

But Jack was a great leader and a role model. He supported civil rights bills, refused to sign the segregationist Southern Manifesto in 1956, and helped write the historic Civil Rights Act of 1964 that banned racial segregation.

May we always remember Congressman Jack Brooks. He was a great man, political figure, U.S. Marines veteran, and a friend that I'll never forget.

PULSE OF TEXAS: GLENN FROM SPRING, TEXAS

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

Mr. POE of Texas. Mr. Speaker, Glenn from Spring, Texas, wrote me this:

> Starting at the age of 15, I worked any job I could to help support myself through college—manually dug ditches, construction work, plant work. After college, I found an entry-level position in the field I studied. With hard work, I have been constantly employed for 36 years and now nearing retirement. I have never requested or received any Federal financial assistance. I enjoy contributing to my community and church. This is my American Dream.
>
> Now the administration wants to increase the taxes I pay for being successful. As my grandmother would say, ''If you can work, do so, and never let your pride or laziness get in your way to earn an honest living, and you will be rewarded in life.''

Mr. Speaker, this administration wants to punish those who have lived the American Dream. During a recession, no one's taxes should be increased. This administration cannot tax and spend America into prosperity.

And that's just the way it is.

THREE YEARS OF CAPTIVITY FOR CUBAN HOSTAGE ALAN GROSS

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

Mr. RIVERA. This week marked the 3-year anniversary that a United States citizen, Alan Gross, has been held hostage in Cuba. He was arrested on December 3, 2009, for engaging in humanitarian activities to help the oppressed Cuban people.

Once again, the specter of a swap for Cuban spies being held in prison here has been raised. I would continue to encourage the administration to reject that notion, particularly when these Cuban spies are being held for participating in a murder conspiracy against other American citizens that were shot down over international water.

I would remind the administration that Cuba remains on the list of terrorist nations—nations that are specific enemies of this country and want to do harm to this country; a country that is harboring fugitives from U.S. justice, and a country where, just this week, peaceful dissidents in Cuba were attacked once again, according to reports from Cuba, by relatives of a political police captain on the island that attacked supporters of the peaceful group the Ladies in White.

Once again, I would urge, as I have done so many times, that the international community continue to denounce the atrocious human rights abuses on the island nation of Cuba.

FOREST SERVICE IN TOMBSTONE, ARIZONA

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

Mr. SCHWEIKERT. How many of us have heard of a little town called Tombstone? It's popped up in movies, American folklore. Guess what? The Forest Service seems hell-bent on ending its existence. This town is older than my State. Its water rights are older than my State. Yet the Forest Service is restricting the town from 87 percent of its water supply because there's Forest Service land around Tombstone.

This picture isn't a picture of a bunch of cowboys out having fun. They're not allowed to take a little Bobcat up the mountainside to get the springs to fix their water, so you have to go up by hand up a mountainside to remove the boulders.

Is there an adult in the Forest Service who has a lick of sense?

REMEMBERING THE LIFE OF COLD SPRING OFFICER TOM DECKER

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

Mr. PAULSEN. Mr. Speaker, I rise today to lend my voice to the chorus of Minnesotans that are grieving at the loss of one of our finest, Cold Spring Police Officer Tom Decker, who was senselessly murdered while responding to a call for help.

A 6-year veteran of the force and a father of four, Officer Decker exemplified what it means to serve and protect. He loved his job and the community that he served, and those he served admired and respected him in return. He was absolutely one of the good guys: a dedicated husband, father, and police officer.

So today, Mr. Speaker, let us honor Officer Decker's life and the incredible devotion he gave to his community. He was a hero. But more importantly, he was an incredible human being. He and his service will be absolutely and deeply missed. Let us all keep Officer Decker and his loved ones, fellow officers, and community in our prayers.

THE 147TH ANNIVERSARY OF THE ABOLITION OF SLAVERY

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

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize an important day in American history. Tomorrow, we will celebrate the 147th anniversary of the abolition of that regrettable institution of slavery. On 6 December 1865, the State of Georgia became the 27th State to ratify the 13th Amendment, marking the three-fourths supermajority necessary to amend the Constitution. The 13th Amendment accomplished something that the Emancipation Proclamation did not and perhaps could not do. It declared the nonexistence of slavery in the whole of the ''United States, or any place subject to their jurisdiction.''

The triumph the 13th Amendment represents not just for African Americans but for all Americans should be celebrated every December 6.

[From the Raleigh News & Observer, Dec. 5, 2012]

THE DAY SLAVERY OFFICIALLY ENDED

(By James A. Wynn Jr.)

The movie ''Lincoln'' highlights the struggle over the passage and ratification of the Thirteenth Amendment, the historic proviso that officially ended slavery in America. The triumph that the Thirteenth Amendment represents—not just for African-Americans but for all Americans—should be celebrated, and we should celebrate it tomorrow, December 6.

No amendment has a greater or simpler declarative force than the Thirteenth. It states uncompromisingly that ''Neither slavery nor involuntary servitude . . . shall exist within the United States.'' The amendment also empowered Congress to enact laws to enforce its substantive protections.

The significance of the Thirteenth Amendment cannot be overstated. Among other things, it extended the phrase ''We the People'' in the Preamble to the Constitution to all Americans, it ended the implicit sanctioning of slavery in the original Constitution and it made clear that abolishing slavery was the sovereign will of the people.

The U.S. Supreme Court, with its notorious 1857 Dred Scott decision, left no doubt that the phrase ''We the People'' in the Preamble did not include slaves. According to the court, African-Americans were not intended to be included in ''We the People'' because ''[t]hey had for more than a century before been regarded as an inferior order . . . and so far inferior, that they had no rights which the white man was bound to respect; and that the Negro might justly and lawfully be reduced to slavery for his benefit.''

The Thirteenth Amendment repudiated and effectively overruled Dred Scott and all it stood for, making clear that neither African-Americans, nor anyone else, could ''justly and lawfully'' be enslaved in this great country.

Further, the Thirteenth Amendment ended the original Constitution's implicit sanctioning of slavery. Although the word ''slave'' appears nowhere in the original Constitution, the document tacitly accepted slavery. For example, as a result of an infamous compromise between Northern and Southern states, Article I of the Constitution based political representation in the House of Representatives on the population of ''free Persons'' and three-fifths ''of all other Persons'' in each State.

Thus, despite the Declaration of Independence's majestic pronouncement that ''all men are created equal,'' the original Constitution indicated otherwise. With the Thirteenth Amendment, the Constitution expressly rejected slavery.

Finally, the Thirteenth Amendment, ''ratified by the Legislatures of three-fourths of the several states,'' as required by Article V of the Constitution, abolished slavery through the sovereign will of the people and the democratic process. By contrast, the Emancipation Proclamation, an 1863 declaration freeing slaves in Confederate territory, was a wartime measure issued unilaterally by Lincoln.

The Thirteenth Amendment has been the subject of far less litigation than the Fourteenth. As a result, it has suffered unjust obscurity. And to the extent we celebrate it at all, we do so on the wrong day, February 1—the anniversary of the day President Abraham Lincoln signed a joint resolution submitting the proposed amendment to the states for ratification.

Addressing a crowd outside the White House after he signed the joint resolution, Lincoln remarked that the occasion was one ''of congratulation to the country and to the whole world.'' In 1948, President Harry Truman declared February 1 ''National Freedom Day.''

Yet despite the symbolic significance of Lincoln's act, the Thirteenth Amendment had no legal effect until the states adopted it. Indeed, Lincoln's signature was unnecessary, and no other proposed amendment has been submitted to a president for signature.

The Thirteenth Amendment was put to all 36 states, including those formerly part of the Confederacy. Georgia became the 27th state to ratify the amendment, on Dec. 6, 1865, marking the achievement of the three-fourths supermajority necessary to amend the Constitution. The Supreme Court has held that constitutional amendments take legal effect when ratified. Thus, Dec. 6, 1865, marks the arguably most significant, and yet perhaps most unrecognized, date in African-American history.

Sadly, Lincoln never lived to see the Thirteenth Amendment ratified: He was assassinated on April 15, 1865, nearly eight months before Georgia provided the decisive vote in favor of ratification. No doubt Lincoln would have celebrated the day our nation constitutionally enshrined an abhorrence of slavery, the evil institution against which Lincoln had fought so hard.

No longer should the Thirteenth Amendment rest in silence. We should begin our holiday season by celebrating on Thursday the 147th anniversary of the Thirteenth Amendment's ratification. It is a day not just for African-Americans, but for all Americans, to commemorate our bettering our Constitution by spelling out the truth that Dr. Martin Luther King Jr. rightly called self-evident: ''All men are created equal.''

□ 1240

TAXING AND SPENDING

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

Mr. WOODALL. Mr. Speaker, I appreciate the hour, and I appreciate you being here with us this afternoon.

You know, it seems like just yesterday to me that you and I showed up here on Capitol Hill. It was that giant freshman class of 2010, and golly we came to do something.

I remember back in freshman orientation, folks hadn't even been sworn in yet and they were already trying to get focused on what the first votes in January 2011 would be about and the constant noise in the room was about how do we make a difference, how do we make it matter. This was a freshman class full of people who didn't come because they wanted a business card that says ''Congressman.'' They didn't come because this was just part of a career path they had been planning since they were kids. They came because they were men and women, moms and dads, small business owners, big business employees, folks from back home who said: golly, the country is in trouble, and if we don't have leadership who's willing to stand up and do the right thing for the right reasons, this country might just go over the edge.

There were 99 of us, Mr. Speaker. You remember. It was Republicans and Democrats. Now, there were more of us as Republicans than there were of them, but we came together in those early days to say: What can we do to make a difference?

Mr. Speaker, you can't see it here, but I have a chart of our spending as a percent of the share of our economy and tax revenue as a percent of the share of our economy. Now, Mr. Speaker, what you see on the chart with the green line is historical tax revenue. What you see is, going back to World War II, going back to the mid-1940s, that it really has not mattered in the history of this Nation whether the top tax rate was 90 percent as it was before the Kennedy years, or 70 percent as it was at the beginning of the Kennedy years, or 28 percent as it was in the Reagan years. It really has not mattered what the top bracket is. All Americans are willing to give to government is about 18 percent of GDP.

It turns out, Mr. Speaker—this will be no surprise to you—it turns out Americans are pretty smart. If what you decide, as the Federal Government, is we're going to tax this behavior, well, Americans start engaging in this other behavior instead. If what you say is, no, I'm going to tax that behavior, they say, well, that's okay, I'll go do this instead. Americans are pretty smart, and they change their behavior to maximize the benefit for themselves and their families, their kids and their grandkids.

So, going back—just a historical truth—through modern American history, post-World War II history, no matter what we've done with the Tax Code, Americans have only contributed about 18 percent of GDP. That distinguishes it, Mr. Speaker, from our spending trajectory in this country.

Now, on the chart I have our spending in red. Historical spending is represented by this jagged line. Projected future spending is that big smooth line that rises right off the chart. This red line, Mr. Speaker, represents what happens to Federal spending if we do nothing. That's important. What does it mean to do nothing? What I mean is, if we were to close down the White House tomorrow and not sign one new law; if we were to close down the U.S. House of Representatives tomorrow and not pass one new law; if we were to close the United States Senate—and I know what you're thinking, Mr. Speaker, you're thinking we're not going to be able to tell much difference there anyway, that's not true—if we close the United States Senate and pass not one new bill through the United States Senate, this trajectory of spending is what faces America. This trajectory of spending is what happens if we do nothing.

Mr. Speaker, there is no set of circumstances, not a historical set of circumstances, not a set of circumstances that we could conjure up where we could possibly raise enough money through the Tax Code to pay for the spending that this Congress, past Congresses, this President, past Presidents have promised the American people.

Here's the thing, Mr. Speaker: you and I are lovers of freedom, so we would never propose such a plan; but if we were to go out today and nationalize everything, if we were to put a 100 percent tax on every American worker in this land, if we were to put a 100 percent tax on every business in this land, if we were to take everything from everybody—their house, their business, their stocks, their bonds—if we were to sell every business in America at the auction block, if we took it all, the present value of that wealth would not be enough to pay the future promises that Presidents and Congresses have made.

We are in a spending-driven crisis. The question is: How do you tackle that, Mr. Speaker? Candidly, coming up with a clever idea to raise taxes is pretty easy. You just look at what taxes are today, and you say let's make them higher tomorrow. It doesn't take a lot of thoughtfulness to put that together. We can all agree on a plan that has the number that taxes are today and we make that number higher tomorrow. That's not an intellectual challenge. It's the wrong tax policy, and we see it in the President's budget from 2012.

I tell every town hall meeting, Mr. Speaker, that I have, every audience that's there that I appreciate this President. I appreciate this President because the law of the land is that every year the President of the United States will submit to the Congress his or her proposed budget, and every year this President has been in office he has done exactly that.

That's important, because a budget is a statement of your values, Mr. Speaker. You know that. I mean, when we talk about where we're going to spend the tax dollars that we take in, what those priorities are, that tells us what our values are. When we talk about how much money we're going to take from the American people—who those folks are who are going to have to pay more, who those folks are who are going to have to pay less—we talk about our values. So every single year the President has put his values statement forward.

Now, that distinguishes him from a body that has disappointed me so terribly much, Mr. Speaker, in my 2 short years in this Congress, and that's the United States Senate. In the 2 years I've been here, I've never seen a Senate budget. I thought that was odd until I talked to colleagues who had been here longer and they said, actually, Congressman, we haven't seen a budget in almost 4 years from the United States Senate. No budget in 4 years. No statement of values. No statement of solutions. No recognition that there is a problem and then a proposal to make it better.

But what I have here, Mr. Speaker, is a chart that represents the President's budget from February. As he has done faithfully for these 4 years in office, he submitted his budget in February that would take us through the 2013 year. In that budget he raised taxes by $2 trillion. Now, that's not a values statement about that. If I were to issue a values statement, I would tell you I don't want taxes to go up by $2 trillion. I think it's a bad plan, I think it's bad for the economy, I think it's bad for the American people. But the President laid that plan out there for the American people to decide. In fact, he ran a campaign on that all spring, all summer and all fall, and the American people sent him back to service for another 4 years.

But what you see in his budget, Mr. Speaker, as represented on this chart, is facing $16 trillion in public debt—largest public debt in American history, about $55,000 for every man, woman and child in this country, their burden of the debt, a debt that's threatening to sink our economy. Thank goodness we're the best of all the worst economies in the world, Mr. Speaker, because folks are still investing here. Whenever the rest of the world bounces back, we're going to be in bad, bad shape. You don't know how fast that spiral is going to get started.

□ 1250

But the President, looking at that same set of facts that I have just

shared and the same set of facts that you and I look at here in this body, Mr. Speaker, he proposed a budget that raised taxes by $2 trillion but increased spending by just as much.

Here it is, Mr. Speaker: this white dotted line represents the trajectory of debt accumulation for America. Again, if we do nothing, this is the debt accumulation for America. The red line represents the debt accumulation under the President's budget proposal. And what you see is that in 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020, under the President's proposed budget, after raising taxes on the American people by $2 trillion, the debt of this Nation actually grows faster than if we had done nothing at all because the President takes all of those tax dollars and spends them on his priorities.

Going back to that first chart, Mr. Speaker. The problem that we have in America is not a tax revenue problem; it's a spending problem. And if we refuse to grapple with the spending problem, we'll go nowhere. The President refused to grapple with that spending problem except—and I blew it up on here so that everybody could see it—way out past 2021, kind of between 2021 and 2022, the debt gets just a little bit smaller under the President's plan than it is currently if we do nothing at all.

Now my experience in just 2 short years, Mr. Speaker, is that those good things that we promise are going to happen 10 years from now, those tough decisions we promise we are going to make 10 years from now, those never get made. We spend the money in year one, but we never make the cuts in year 10. I don't know if we can count on that at all.

But, again, the President is a smart guy. I think he cares about this country. The American people just endorsed him for a second term. His 10-year budget plan does nothing, nothing to improve our deficit trajectory, our debt accumulation over the next 9 years.

Which brings us to where we are right now, Mr. Speaker, with this so-called fiscal cliff. It's not really a fiscal cliff. And the truth is, we have a tax decision coming up, and we have a spending decision coming up. And, truthfully, we need to have even more spending decisions coming up. But we're calling it the fiscal cliff. And ''sequester'' is a new word that we brought into the American parlance as a result of that.

The sequester, as you recall, Mr. Speaker, was the hammer that we put in place. It was one of the first big votes that you and I took way back in August of 2011. As part of an agreement, the President wanted to raise the debt ceiling. There were bills that needed to be paid. The Speaker of the House, JOHN BOEHNER, said, We are not going to expand America's credit card until we get serious about curbing spending. And he said to the President, No, Mr. President, I will not raise the limit on America's credit card unless you agree to dollar-for-dollar reductions on the spending side of the ledger so that we're not just making the problem worse; we're creating a pathway to solve the problem altogether. I admire the Speaker for that.

And the Speaker and the President agreed on this proposal. It was called the Budget Control Act of 2011. And what it did was it created for the first time ever a little committee here on Capitol Hill, a committee that was going to report language directly to the House floor and the Senate floor—no filibusters, no prevention of it coming by amendments, no monkey business—just directly to the floor for an up-or-down vote.

There were six House Members and six Senate Members on this panel. Mr. Speaker, you will recall it was six Republicans and six Democrats, serious men and women on this panel. And they looked at not just the $3.8 trillion annual Federal budget. They looked not just at the more than $50 trillion that would be represented in a 10-year budget. They looked at hundreds of trillions of dollars in Federal spending and commitments over a three-generational window. They worked on it for 3½ months; and collectively, at the end of the day, they agreed on not $1 in changes. Not $1, not $1.

The greatest disappointment of my 2 years here has been the failure of that joint select committee to succeed. Call it politics. I don't know what you want to call it. Again, these were serious men and women. They were tasked with solving our Nation's fiscal crisis, and they failed.

So then what? Well, the Speaker had the wisdom back in 2011 to make sure that we were really getting dollar-for-dollar changes on the spending side and on the savings side when we were going to raise the debt limit. And what the Speaker and the President ultimately agreed to was this crazy hammer called the sequester, an across-the-board cut on discretionary spending.

Discretionary spending is about one-third of our budget. Mandatory spending—Medicare, Medicaid, Social Security, interest on the national debt, those programs—represents about two-thirds of the spending in the country.

But they envisioned this across-the-board cut that would come on discretionary spending—that one-third of our budget—if the joint select committee failed to reach an agreement. And the cuts were designed to be so severe that no self-respecting joint select committee would ever fail to reach an agreement because they needed to prevent these cuts from happening. Well, they didn't reach an agreement, as you know, Mr. Speaker, as history has now told us. And I want to show you where these sequester cuts are coming.

As I just talked about, we have discretionary spending. It's broken up into defense and non-defense discretionary spending. And then we have mandatory spending which, again, is Medicare, Medicaid, Social Security, those mandatory programs where the money goes out the door whether Congress meets or not.

Well, look at how we've decided to take control of spending in this agreement, Mr. Speaker. Defense discretionary spending, we all know national security is a constitutional obligation that this Congress has. It is one of the few constitutionally delineated responsibilities this Congress must fulfill. Defense spending represents less than 17 percent of all the spending America does. That means 17 percent of our $3.8 trillion annual budget is defense spending, 17 percent of the spending. But these sequestration cuts, Mr. Speaker, are going to fall 50 percent on the Defense Department. We're asking the Defense Department, our men and women in uniform, to bear the lion's share of that burden.

Now, I don't think that's right. I voted in favor of this hammer to take place, this hammer that was going to be so severe and so draconian that no one would ever let it happen. They would sit down at a table and agree, as people who represent America should be able to do.

But when they failed and we saw these defense cuts were going to come, we brought out in May of last year—these last-minute negotiations in December drive me crazy, Mr. Speaker. And I want the American people to know—and I know you tell them on a regular basis that it doesn't have to be this way. It was May of 2012—7 months ago—that this House looked at the size of these defense cuts, looked at the impact it would have on our men and women in uniform and their families, and we said, There's a better way.

We didn't kick the can down the road. We didn't say, Oh, let's just put these cuts off altogether; America doesn't really have a spending problem. We don't really need to control that side of the balance sheet. No, we passed a bill in this House in May of this year that didn't just replace the defense spending with smarter cuts on the mandatory side of the ledger but, actually, over time was going to make even bigger reductions in spending, create even larger savings to the American people—savings that we know we have to have if we are to succeed as an economy. And we did that back in May.

Now, Mr. Speaker, as you know, the Senate has not passed a proposal to do that very same thing—not in May, not in June, not in July, not this fall. The President hasn't proposed—well, I guess in the proposal he made last week, he said, Well, let's just kick that can down the road for another year. That's not an answer. That's a frequent go-to place that we go to in this body—Republicans and Democrats alike. Let's just kick it down the road for another year. But that's not the answer. You and I know that the time for kicking cans down the road is gone.

So in May of this year, we passed this replacement. It has yet to see any action. But I just wanted to be clear. As

you know, Mr. Speaker, this body laid a proposal out, detailed line by line by line of how it is that we can both protect our men and women in uniform, continue to serve them and their families, and take our spending responsibilities and our saving responsibilities here seriously.

We'll go on here, Mr. Speaker. Nondefense discretionary spending, it represents about 13 percent of that $3.8 trillion annual pot. Where do the spending cuts fall there? This 13.4 percent of the spending is going to have to bear 35.1 percent of the cuts. Golly, that's not going to be easy, Mr. Speaker. I mean, these are programs that folks care about.

□ 1300

Take the food stamp program, for example, Mr. Speaker, the SNAP program. That's an important program, and I think we can all agree that there's some waste, there's some fraud, there's some abuse, and there's some things we can fix in that program. We did that in the bill we passed in May. It's an important support program to make sure that the most vulnerable among us are cared for and they can bounce back up. It's one of those programs where we try to reach out, Mr. Speaker, not to prop folks up, but to give them a hand up so that they can succeed.

These programs across the board are facing a 35 percent cut. Why is that? In fact, in the 2 years you and I have been here, Mr. Speaker, we've seen discretionary spending start—it started in 2010 at some of the highest levels in American history. You and I, in a bipartisan way, brought it down in 2011, we brought it down again in 2012, and we brought it down again for FY 2013.

I open up those newspapers, Mr. Speaker, and folks talk about how there's no agreement here, how it's just folks arguing and fighting with each other. In a bipartisan way, this House, that Senate, and our President have seen discretionary spending drop 3 years in a row. Never before in my lifetime have we seen such a thing. I credit this body with being a driving force in that because we're elected by the American people, who want to see their fiscal books put back in order, but we've succeeded on the discretionary side.

Discretionary turns out to be the easier nut to crack because that money doesn't go out the door unless this U.S. House of Representatives acts. That distinguishes it, Mr. Speaker, from mandatory spending. That's the third set of columns on my chart. Mandatory spending, as I said, is two-thirds of our budget, 63.8 percent to be precise. And of all the sequestration cuts, 63.8 percent of the budget is only going to bear 14.4 percent of the pain. The back story there, Mr. Speaker, is that's only 14.4 percent of the pain. As I said, discretionary spending has been on the chopping block in 2011, 2012, and now again in 2013. But mandatory spending we haven't had a single agreement about, and I don't hear the White House talking about it either.

The White House put together a group, and it was called the Simpson-Bowles Commission. It was named after Erskine Bowles, who is a former Clinton chief of staff, and Alan Simpson, who is a former Republican senator. They came together in what the President called his deficit-reduction commission to give the President an idea of what we could do to get our fiscal house in order. I just want to show you here on this chart, Mr. Speaker, the chronic deficits that we've had in this country. It goes back to 1970. All of this red ink represents the inflation adjusted—these are all in 2012 dollars. So we're comparing apples to apples all the way across this chart. The deficits that we've had in this country—and you'll see going back to 1970, Mr. Speaker, which happens to be the year of my birth, we've run a deficit every single year through 1998.

Do you remember 1998? We had Newt Gingrich leading the first Republican U.S. House of Representatives in modern times. We had Bill Clinton in the White House. They came together to solve some big problems: welfare reform, health insurance reform. Folks forget about health insurance reform for the 1990s. We did away with preexisting conditions, and we did away with all of the impediments in the large group markets, what they call ERISA plans. They had great success back in that area, and they finally got back into some positive territory.

To be truthful, this assumes that all the Social Security revenues and the Medicare revenues are getting spent on other projects rather than going in the trust funds and being preserved. We didn't really have a surplus. We were spending Social Security and Medicare revenues to create a surplus, but we did have some better years then.

Then we go into the Bush years, and this is important. Of course, 9/11 changed the way this country deals with national security. There were a lot of programs going on, much to my surprise, Mr. Speaker. You'll remember we created a brand new Federal department with a Republican House, a Republican Senate, and a Republican President. We created a brand new entitlement program in Medicare part D with a Republican House and a Republican President. And we ran during the Bush years—and they're represented right here—we ran at that time what were the largest deficits in American history. The largest deficits in American history were run during the Bush administration with a Republican House, a Republican President, and we began to get a hold of that. Of course, that was after September 11, 2001. Again, we had a dramatic uptick in spending on homeland security concerns, on national security concerns. That's an explanation; it's not an excuse. We reached those massive deficits, the largest deficits in American history, and we began to bring those back down.

Enter 2007. From 2007–2008, we had a Republican President in the White House, and we had a Democratic Speaker here in the U.S. House. Spending began to tick back up. And as we entered the Obama years, Mr. Speaker, here is the largest deficit in American history recorded during the Bush administration. This is the annual deficit recorded in the Obama administration. Not twice as large than the largest deficit in American history, not three times as large as the largest deficit in American history, but almost four times larger than the previous largest annual deficit in American history was the first-year deficit recorded in the Obama administration. That was the first time ever that we had run trillion-dollar deficits, and we've continued to run trillion dollar deficits during that time.

Tax policy hasn't changed during that time. Tax policy is exactly the same. You hear in the newspaper all the time, Mr. Speaker, about the Bush tax cuts. I don't know that that has meaning anymore. Of course, in 2001 and 2003, we did do some dramatic changes to tax policy. President Obama extended all of those changes in 2010. So that's the law of the land still today.

Tax policy has been exactly the same over this continuum. What has changed, Mr. Speaker, is the spending. The reason deficits have grown not one, not two, not three, but almost four times larger than the previous record deficit in American history is not because tax policy has changed—it hasn't. It's because Federal spending policy has changed, and that's what we have to get our arms around here in this body.

What I show going forward, Mr. Speaker—I put a little square around the annual budget deficits that have been run during the first 4 years of the Obama administration, but I also project for the Congressional Budget Office—that's the nonpartisan budget planning group we have here on Capitol Hill—what they believe is in store for us in the future if we continue under current policy. That's trillion-dollar deficits going out for years to come. The problem is not tax policy, Mr. Speaker. The problem is spending policy.

Can we improve tax policy? You better believe it. Mr. Speaker, you know I'm a cosponsor—in fact, I'm the main sponsor of H.R. 25, The Fair Tax. That's the largest, most popularly cosponsored fundamental tax reform proposal on either the House side or the Senate side. In fact, it's the largest, most popularly cosponsored tax proposal on both sides of the United States Congress. It would fundamentally change the way we tax. We can absolutely improve our tax system. But don't be misled. The problem in America is not bad tax policy. The problem is bad spending policy. We

have to move the focus away from taxation, which again has been the same for the last 12 years, and move it towards spending, which has changed dramatically just in the last 4 years.

I'm not one just to point the finger of blame, Mr. Speaker. You know, this freshman class came about results. They didn't come about whose fault it was. There is plenty of blame on both sides of the aisle. There is plenty of blame in the Congress and the White House. There is plenty of blame going back decades. But finding a solution is a priority for every man and woman in this body. All 435 men and women in this body are focused on finding a solution.

I'm just so proud, Mr. Speaker. I start to grin every time I start to talk about it. When you and I got here in this body, Mr. Speaker, we tackled fundamental spending reform for the first time in my lifetime. And we didn't pass it just once, Mr. Speaker. When we came in in 2011, we passed it twice. This House has passed the only budget to pass anywhere in this town. In the 2 years I've been in Congress, we didn't do it once, we did it twice. We didn't do it one year, we did it both years. And in each, Mr. Speaker, we didn't just complain about those before us who left us a current path of deficit and despair going forward—which is what happens if we fail to tackle our spending concerns—we passed that path to prosperity here in this House of Representatives that provided a solution. Not a solution 10 years from now, not a solution 5 years from now, but a solution that begins to administer tough love because that's the only kind that is left here, in year one.

□ 1310

You can't kick the cans down the road. You have to take these challenges head on.

But it's not just about the blame. Again, Mr. Speaker, there are solutions. We proposed that solution in the Ryan budget. I say the ''Ryan budget.'' I'm proud of him. He's my chairman. I sit on the Budget Committee. It was actually a very cooperative process. He laid out his ideas. He had this great committee of Democrats and Republicans there who gave input, who made changes. We passed that bill in the Budget Committee. We then brought it to the House floor, and we had a free-for-all in which every Member of the House who wanted to introduce a budget could introduce a budget, and there were several. Hear that. Every man and woman in this body who thought he had a better way to solve America's fiscal crisis could introduce a budget, and many of them did. Only one of those budgets passed this body. That's now the House budget—passed not once but twice—which provided real solutions.

Here is our spending represented in a different way because there are so many red herrings in this body. I want to say, Mr. Speaker, if you'd help me spread the word with my colleagues on the left, I say this from the heart. You know, we get down here, I'm on the Rules Committee, and I often handle the Rules debates here on the floor. It gets kind of toxic from time to time. Folks are trying to make their points. Everybody has got his talking points. It turns into an argument instead of a discussion about how to make America better. I do hope in this coming time, whether we use Special Order time to do it or whether we use some time off the floor to do it, that we will find an opportunity to have more of a discussion, because the facts are what the facts are. We ought to be able to agree on what the facts are, and then we ought to be able to disagree about what those solutions are. We ought to be able to question each other's judgment without questioning each other's motivations, and I hope we'll be able to spend some time on that. I heard folks say, Mr. Speaker, Oh, the problem is that global war on terror. It's all those war-fighting efforts. That's what has put us in this deficit circumstance that we're in.

This blue represents base spending going back to 2002. I started it right there when the wars began. This yellow line represents the spending that was done on the global war on terror. It's a big number because our commitment to our men and women in uniform is unequivocal. We stand behind the men and women who have been asked by their Commander in Chief to go overseas and defend our freedom and to protect our Nation. We defend them here in this House, unequivocally, with our budget votes, but it's a small number compared to all the other spending that goes on. Clearly, this yellow line is not what has created our trillion-dollar budget deficits—the largest budget deficits in American history by a factor of 4. It's the base spending that does that.

Here are the financial bailouts. I would have voted ''no'' on those bailouts had I been here, Mr. Speaker. You and I were not, but it wasn't the financial bailouts. As good or bad as they were, they're just this little green line right here. That is not what created these massive deficits. It's this giant blue line here. Then, finally, there was the 2009 stimulus bill, which is, actually, the largest portion here in the recent history of what we're spending on. We spent more on the stimulus bill than we spent on our men and women fighting two wars overseas. But even that is not responsible for this continuing growing line of Federal spending.

We're spending more than we've ever spent before. In fact, in the 10 years from 2012 to 2022—again, if we do nothing, Federal spending is expected to rise by 33 percent. I don't know if your salary is expected to rise by 33 percent, Mr. Speaker, if you're working in middle America. I know my community's salaries are not. This is 33 percent the size and scope of government, and the President is proposing to grow it more, to spend more. The problem isn't tax policy. The problem is spending.

We hear a lot about fairness, and I want to talk a little bit about that now. I'm going to switch to tax policy because that's what everybody seems to be obsessed with in the media, and I want to make sure we dispel some of the myths of what's going on there. I went to Dictionary.com, as I'm apt to do, and I printed out what ''fair'' is.

They said: ''(1) Free from bias, dishonesty, or injustice'' as their first definition. ''(2) Legitimately sought, pursued, done, given, etc.; proper under the rules.'' Fair.

I think we all support fairness—in fact, I'm certain that we do—but I'm absolutely certain that what President Obama believes is ''fairness'' is very different from what the people whom I represent believe is ''fairness.''

What I've brought here, Mr. Speaker, is a chart from the Joint Committee on Taxation. That's the group here on Capitol Hill that is in charge of measuring all the tax policies. It's a nonpartisan group, and they just try to tell you what the facts are about tax policy. This chart represents what the facts were in 2010 about the taxes and tax rates. That was the most recent year for which they had a study. It counts all the tax returns turned in in America. There were 155 million of them. There were 155 million tax returns turned in in America. Adjusted gross income, that's not actually your total income—it's a machination you go through there on your tax returns—but we break it out into different categories. Out of 155 million tax returns turned in, just under 6 million reported an income of $200,000 or above. What's even more interesting, though, is the number of returns below $10,000 because we're going to talk about fairness.

As for those folks with tax returns under $10,000, I don't think there is a man or a woman in this body, Mr. Speaker, who believes that if there are families of four trying to get by on $10,000 that they don't need some help, because they're not going to be able to make it. I pinch pennies as tight as anybody can. Everything I get is free with a rebate from Walgreens, from CVS, OfficeMax, and right on down the line. I've not met a sale that I won't travel to. That's tough to do in today's economy, $10,000, so that's why it's so interesting.

Look out here. Of the almost 21 million tax returns filed, only 14 of them ended up having a tax associated with them, and 425,000 were itemized. I want you to think about that, Mr. Speaker. Most Americans don't itemize on their taxes. They have what is called the standard exemption, the standard deduction. Most Americans take that, even homeowners. Of course, the mortgage interest deduction is the largest itemized deduction that most American families take, followed by the charitable deduction, but most American families don't itemize at all.

So you have to ask yourself, Mr. Speaker: Who are the folks who are reporting under $10,000 a year in income who are doing all this itemizing?

Look at that ratio: Taxable returns to itemized returns, it's about 30–1. Even down here among the richest of Americans, Mr. Speaker, it's 1–1. So, 30–1. Folks are gaming this Tax Code to participate not at all in the funding of our government. When we get together here to try to think about how we take care of the poorest among us, when we get together here to think about how to reach out to those less fortunate among us, we look at this category. Sure, folks making under $10,000 a year, don't they need our help? I tell you, if they're itemizing because they're doing such clever, crazy things on the Tax Code that the standard deduction and the standard exemption are not good enough for them, and if they're going to maximize their returns even more so they can get to zero, those folks are not the ones who need our help. We need to consider that in the context of fairness: 155 million returns with 6 million of them over $200,000 a year.

We're in a Republic, Mr. Speaker—some folks say ''democracy.'' Obviously, it's a Republic—but the majority can rule here. I'm just doing the math in my head. If there are 155 million people filing tax returns but only 6 million of them are making more than $200,000 a year, I'm pretty sure that I can find 51 percent who say, Let's not tax us, but let's tax them instead. I want you to think about that in the context of fairness.

Just in the spirit of full disclosure, Mr. Speaker, I'm not in the 1 percent. I have aspirations one day to make it into the 1 percent, but I'm not in the 1 percent. I never have been in my adult working life. I don't think I'm going to make it in anytime soon, but I aspire to fiscal success. I hope I have those good ideas that folks want to pay for. I hope that, by the sweat of my brow and by the power of my work ethic, I can generate some wealth, but I'm not part of the ''them'' who folks want to tax. I'm part of the ''us'' who folks don't want to tax and who are going to get a free ride in this proposal from the President.

□ 1320

I want to talk about that in the context of fairness. Let me tell you something you may not know, Mr. Speaker. Jimmy Carter was the last President from the great State of Georgia, so I'm going to start in the last of the Carter years, 1979.

What I have here on this chart is the percentage of all Federal income tax liability paid by citizens of the United States of America, what are we doing as citizens of America to pay for our government. And in the last year of the Carter administration, the bottom 80 percent of American income earners, which is most of us, that's the middle class, that's everybody there, the bottom 80 percent, was paying 35 percent of all the bills in this country. So 80 percent of Americans were paying 35 percent of the bills. That top 1 percent, Mr. Speaker, that top 1 percent of America was paying 18 percent of the bills.

Now, again, we talk about fairness. Again, I'm not in the 1 percent; although, again, I might like to be one day. For the 1 percent to be paying 18 percent of all of the burdens of this country, is that fair? Is that fair? For the 1 percent to pay 18 percent, is that fair? Again, we can look at the numbers. We can look at income distribution. We can look at all sorts of things. But think about that in the context of we always talk about people paying their fair share. In the last year of the Carter administration, the top 1 percent were paying 18 percent of the burden of America. But this is what's really interesting and, to me, Mr. Speaker, troubling, as a first-term Member in this United States House of Representatives. Look from 1979 out to today, and what you see, beginning in the 1990s, is that the majority of us, the 80 percent, begin to pay less of our Federal burden than do the 1 percent. In fact—and it's staggering to me, Mr. Speaker, and so I went and pulled the numbers. As we sit here, again, for the last year for which CBO is able to produce numbers—it's 2009. In 2009, the 80 percent of us who are in the middle, the 80 percent of us who form all of our communities back home and all of our clubs, the 80 percent of us who show up to church on Sunday and polls on Tuesday to make sure that we're doing our spiritual and civic duty, the 80 percent of us, we're only shouldering 6 percent of the total income tax burden in this land.

Now, I just want to ask you, Mr. Speaker, we're all smart folks. Again, I drive a long way to get something free with rebate at Walgreens. And for folks, Mr. Speaker, listening at Walgreens, I really don't like the new policy they have with those coupons that expire. I want to get back to the gift card program. That's not something we're going to do here on the floor; we're not going to mandate that for them. But 80 percent of us are paying 6 percent of the burden. What do you think that does to elections? You see it in the children in your life, right?

When your children have skin in the game, when they have some candy they might have to give up, when they have some chores they might not have to do if they negotiate properly, when you have skin in the game, you make different decisions. You find when you give the children in your life some money in their pocket and you're going through those impulse rows as you're walking out of the supermarket, Mr. Speaker, if they've got a dollar in their pocket, they're looking hard at those prices, seeing what's on two for one today, seeing what the discounts are. If it's their dollar, they're going to really think about what it is they're going to purchase in the candy aisle on the way out of the grocery store. But when they don't have any money in their pocket and they're just asking Mom and Dad to pick up the tab, there's no limit to what it is they're interested in having, right? The Snickers bar looks good. How about some of these sour things? My breath is bad; I need some gum. All across the board, there's no limit to what it is they might want.

What's going to happen to our Republic, Mr. Speaker, if we, the 80 percent, allow ourselves to only be burdened with 6 percent of the job of paying for the obligations of this country? Completely inverted there, Mr. Speaker. Today, again, 2009, the last year for which we had numbers, the top 1 percent paid 39 percent of all the bills. But again, if the 80 percent are only paying 6 percent of all the bills, that means the top 20 percent are paying 94 percent of all the bills. Again, what election is it that we're going to have where folks say, You know what, that guy over there shouldn't be picking up the tab for me.

What's happening to us as a Republic? Who are we now as a people? Do we want to help the least among us? Absolutely, we do. We always have; we always will. We can argue about whether we should do it from the Federal Government or from the State government or from our communities and from our churches, but of course we're committed to fulfilling those goals.

But we cannot, it is not fair, and I would argue it is immoral to face the kind of challenges that we're facing and say, You know what; we, the 80 percent of America, aren't going to help at all. We're already paying 6 percent of all the bills. There are 80 percent of us, we're the primary beneficiaries of it all, but we're paying 6 percent of all the bills; we don't want to pay more. Tax them. That is incredibly dangerous and antithetical to who we are as a Republic.

You know, this isn't new, Mr. Speaker. This isn't new. We can go back to Ben Franklin. He is often cited as saying that when the people find that they can vote themselves money, that will herald the end of the Republic.

That makes sense; right? It only takes 51 percent to win an election. So if 51 percent of the people can make sure that the other 49 percent have to bear all burdens and pay all the bills and do all the fighting and work out all the problems, then the 51 percent can just take the day off. Now that's not where we are in America, Mr. Speaker, but Ben Franklin worried about that over 200 years ago.

Milton Friedman, a Nobel Prize winning economist passed away, but his words are still with us. I think he said it well. In his ''Free to Choose'' statement, Mr. Speaker, back in 1990, he said this:

There is all the difference in the world, however, between two kinds of assistance through government that seem superficially

similar: first, 90 percent of us agree to impose taxes on ourselves in order to help the bottom 10 percent; and second, 80 percent voting to impose taxes on the top 10 percent to help the bottom 10 percent.

There's all the difference in the world, Milton Friedman says, between when 90 percent of us choose to burden ourselves so that we can help others, and when 80 percent decide they want to burden a different 10 percent so that they can help yet another 10 percent. And it is different. It's morally different.

And I've got to tell you, Mr. Speaker, and that's what I love about our freshman class, Republicans and Democrats alike, nobody came here to pass the buck. Nobody came here to say that decisions are easy and somebody should have made them earlier. They came here and said these decisions are really hard, but we're going to make them anyway.

What's the morality of deciding that our country is in peril and the people who ought to solve it are them; not us, but them; not me, but someone else; not in my family, but in my neighbor's family. There's a morality there.

Now, listen, I'm the first to tell you, Mr. Speaker, we need more revenue in this country. And the reason we don't have much revenue today is because folks don't have jobs. Guess what. If you don't have a job, you don't have any income. If you don't have any income, you can't pay any income taxes. That's not rocket science. That's basic economics, and it's at work every day in this country. We've got to get folks back to work. And more of them, Mr. Speaker.

□ 1330

If you're a family of four and you're earning $30,000 a year, you can't afford to pay the bills of this country in the same way that someone making $200,000 a year can. That's okay. We understand that. That's why there are graduated rates in the Income Tax Code. Some people pay 10 percent, some people pay 15 percent, some people pay 25 percent, some people pay in the 30s. The more you have, the more we think you're able to contribute.

But here we are in what every American economist would agree is one of the most dire economic circumstances of our time, and what I hear described as leadership from the President is don't change anything for the 80 percent. In fact, spend more on the 80 percent, and go tap that last 1 percent to pay all the bills. The top 1 percent are already paying all the bills.

This chart, which again I would say demonstrates a moral imperative that we investigate and grapple with as American citizens, as members of the greatest self-ruling Nation in the history of the world, what we've already seen is just, in my lifetime, born in 1970, just in my lifetime, through self-governance, we have completely turned on its head who pays the bills for America. And more and more and more and more we've said, It doesn't need to be me; it doesn't need to be us; it can be them; they can do it all.

That is not who we are. That's not who we teach our children to be, and it's not the legacy that we want to leave behind. Eighty percent of us, including me, in this country are paying only 6 percent of the burden of being an American citizen.

This chart, Mr. Speaker, reflects what happens if we roll off this fiscal cliff. They describe it as a cliff. Again, it's a spending decision and a tax decision, but I've listed them both up here. This chart comes from the Congressional Research Service.

A couple of interesting things I want to point out here. First and foremost, if we do nothing, there are going to be tax increases of about $400 billion. There are going to be spending reductions of about $102 billion. There are some other changes that would happen at the end of the year that aren't associated with policy decisions. So, at the end of the day, we change the scope of our deficit by about $607 billion if we do nothing.

That's what makes this such a hard issue to grapple with, Mr. Speaker. If we do nothing, if we reach no agreement, changes that happen automatically and burden us all in different ways will create $607 billion for the U.S. Treasury that we didn't have before. And that's only half of the annual deficit.

You see all the pandemonium that folks are describing, all the frightful words that are used to describe the fiscal cliff. If we roll over that fiscal cliff and all of those bad things come to bear, the tax increases and the spending reductions, collectively, they make $607 billion. And if we apply that to next year's deficit, we still won't reduce next year's annual deficit to the level of what used to be the highest deficit in American history run up under the Bush administration. We can roll right over the fiscal cliff, create $607 billion in taxes and savings that we didn't have before, and we still won't have reduced our annual budget deficit to what was formerly the highest budget deficit in American history before the Obama administration. That's how far out of whack we are.

I'm not trying to blame the President for that. I think there is some blame there. There's blame here. There's blame everywhere. I only say the Obama administration so folks understand this is a problem that has existed. As long as I've been alive, we've been running systemic deficits. But in the Bush administration, we were running the highest deficit in American history, and today it's four times larger. And if we roll over the fiscal cliff that everyone says is going to be so awful, we only solve half the problem. Still don't get back to what used to be the most profligate spending days in American history, used to be the largest American deficits in American history, the Bush administration. That's Number 1 that I want to get from this chart.

Here's Number 2, Mr. Speaker, going back to the grappling with fairness, who we are as a people, what we're about. I put up that chart earlier that showed how some folks were getting away with paying zero. Even though they had lots of money, they were just itemizing it all away so they didn't have to pay anything on the tax burden; certainly their right as an American citizen to take advantage of those Federal tax laws.

But we tried that. Back in the late sixties, early seventies, we created what was called the alternative minimum tax, Mr. Speaker. The alternative minimum tax, and it was designed—and you can go back and read about it in the CONGRESSIONAL RECORD. It's all right there. It was designed to get them.

We've talked a lot about who the ''us'' are and who the ''them'' are. The ''them'' are the people with the money who aren't paying their fair share. Again, we can argue about what fair share is, but that's why we created the alternative minimum tax. The ''them'' weren't making the proper payments. And what it turned out to be was they really were making a lot of money and they really were itemizing a lot of deductions. So, really, they were wealthy folks who were doing all the things the Tax Code encouraged them to do, but they ended up paying zero, and the 80 percent of us didn't like it. We thought, Golly, they have lots of money; they shouldn't be paying zero; we should do better. So we created the alternative minimum tax.

Here's the thing. The alternative minimum tax is still on the books today. We did such a crummy job of trying to attack the rich back when we created the alternative minimum tax, it's grown out of control, and it now hits middle-income Americans all across the country, except that the Congress fixes it 1 year at the time.

That's one of the crazy things that you learn when you become a Congressman is that you don't actually solve problems long term; you apparently just fix them 1 year at the time so you can come back again next year and fix the same problem in the same way once again.

All the taxes in the Bush administration, all these taxes we talk about, the ones that President Bush passed in 2001 and 2003, the ones that President Obama extended in 2010, all of those taxes combined create $104 billion for next year. That's a $104 billion change.

Fixing the AMT, fixing the alternative minimum tax, solving this thing that we created in order to tax the rich, to keep it now from impacting the middle class, is going to cost 117. All the Bush tax cuts combined are 104. Fixing this problem that Congress created back in the early 1970s, 117. We don't do that well when we try to attack the ''them'' in order to avoid the burden on the ''us,'' and we're going to

see that when we do the AMT patch again this year.

I want to close with this, Mr. Speaker. I have a chart here of who benefits from tax loopholes. Again, I'm a Fair Tax guy. H.R. 25, Mr. Speaker, I hope you'll go and pull it out, think about being a cosponsor if you're not already.

I want to change the way we do taxes in this country. But just by closing loopholes—and I hear the newspaper asking all the time: Which loopholes? What loopholes? How are you going to do that?

This shows who benefits from the loopholes, Mr. Speaker, in the Tax Code. It's not the bottom 20 percent. It's not the second 20 percent or the third or the fourth. It's not really even the top 20 percent. It's the top 1 percent.

So I would just encourage you, Mr. Speaker, to ask the President—as we're going through these discussions, he clearly has campaigned on getting more money out of the 1 percent.

I showed this chart, Mr. Speaker, that questions the morality of where we end up, questions what it means to our Republic at the end of the day if we continue to give so much of the burden to the few and leave the rest of us with none of the burden at all.

But if he is intent on doing that, he doesn't have to raise tax rates. He can do it through abolishing tax loopholes, which makes the Code fairer and more transparent to us all. We have a right to know what we have to pay in a tax code. These loopholes obscure it.

Mr. Speaker, I don't know what's going to happen in these final days. I know that the Speaker of this House is committed to doing the things that matter, to making a big difference for our children and for our grandchildren, to not kick the can down the road one more time. I pledge to support that plan, Mr. Speaker. I, too, did not come here to kick the can down the road. I came here to make the tough decisions.

And I say to my friends, and there are a lot of them out there who made tough decisions and they paid an electoral price for it. That's not a short list of folks. That's a long list of folks, and it happens every 2 years. You see people who had the courage to do what they thought was right, and they pay a price for that in terms of their political career.

□ 1340

But what I love about this institution, Mr. Speaker, these freshmen that I was elected with—you and I were elected with—these new freshmen that are coming in after this past election, I see men and women who care so much less about a political career and care so much more about doing things that matter for this Republic. I'm proud to be associated with them. And I'm convinced if we get past the rhetoric and get back to the discussion, we're going to be able to come up with a solution that the American people will be proud of and that we can be proud to tell our children and our grandchildren that we were a part of.

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

HONORING THE 50TH ANNIVERSARY OF LA ROCHE COLLEGE

The SPEAKER pro tempore (Mrs. BLACK). Under the Speaker's announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALTMIRE. I will not speak for nearly 60 minutes. I'm tempted to engage the gentleman, my good friend, Mr. WOODALL, in debate. But I won't do that because I know he's still smarting from his Bulldogs' loss over the weekend. And I'll let him continue to think about that. I very much enjoy the friendship and camaraderie with Mr. WOODALL, although we do have a difference of opinion on some of those issues.

Before we start, Madam Speaker, I would say to the individual who will be speaking following my presentation that I plan to only speak for about 5 minutes or less. This will not be an hour-long presentation. So the speaker who will follow me on the majority side, I recommend he hang near the floor because I will be wrapping up shortly.

Madam Speaker, I rise to commemorate the 50th anniversary of La Roche College. Founded in 1963 by the Sisters of Divine Providence in McCandless, Pennsylvania, a suburb of Pittsburgh, it was named in honor of Marie de la Roche, the first superior of the Congregation of the Sisters of Divine Providence. Originally a college for religious sisters, it now educates a diverse group of students from around the world, offering high-quality educational opportunities that continue to reflect its Catholic heritage.

Soon after its founding, La Roche experienced financial difficulties that threatened the school's existence. Due to the financial strain, the congregation at that time seriously considered permanently closing the college. However, because of the profound and positive impact the school made on the community in the short time its doors had been opened, the students, State officials, and the community leaders urged the congregation and the school's leadership to continue the mission of the school and to keep the school open.

Thankfully, due to the outpouring of support from the community, in 1970 the board amended its charter to establish La Roche College as an independent, coeducational Catholic institution, which it remains today. It also joined with the Art Institute of Pittsburgh and diversified its course offerings, expanding the areas of study the college would offer, including graphic and interior design programs that are among La Roche College's most popular programs today.

I was proud to serve on the Board of Trustees at La Roche College. It was during my time as a trustee that I had the wonderful opportunity to get to know the late Monsignor William Kerr, who served as La Roche's president for 12 years. It was during his tenure that the college established the Pacem in Terris Institute, a scholarship program for outstanding college-age men and women from conflict and post-conflict nations such as Rwanda and Bosnia. The institute allows students to receive an education at La Roche College to study leadership and diplomacy in return for their agreement to return to their home country after graduation to help engage in the peace process and rebuild their nations.

The institute successfully reflects the college's vision and mission to ''foster global citizenship.'' That program over the years has created a bond with some countries that is unlike any other institution of higher learning in America. It has had students go through the program that have gone back to their home countries and have very successfully become leaders in those countries. We are better off as a Nation and as a global community because of their work and because of that program which initiated and continues at La Roche College.

It was also during my time on the Board of Trustees in 2004 that La Roche College Board of Trustees appointed Sister Candace Introcaso as the college's seventh president. Sister Candace began her career in education at La Roche in the late 1980s, and it's under her leadership that the college has continued to expand its global footprint while placing a renewed focus on serving the needs of those in the Pittsburgh region. I had the privilege of working closely with Sister Candace during my time as a trustee and as the Congressman who now represents La Roche College. The future is bright for the college under her continued leadership.

La Roche College improves upon itself year after year. It continues to expand its academic offerings, with more than 50 undergraduate majors, 20 undergraduate minors, and three graduate programs. For six consecutive years, it has been named one of the Best Northeastern Colleges by the Princeton Review, and it fields 12 intercollegiate teams.

On many occasions my office used their facilities for workshops and town hall meetings. Over the years, La Roche students and faculty, as well as Sister Candace, came to visit my office on a number of occasions to discuss the importance of education to our country and their efforts to collaborate with the greater Pittsburgh and western Pennsylvania community for the betterment of our entire region.

Next year marks the 50th anniversary of La Roche College. Despite early financial troubles, the leadership of the college persevered, kept the doors open, and always stayed true to the

mission of the school. La Roche College is a tremendous asset to our community, and we look forward to many, many more years of continued success. I wish them nothing but the best, and congratulations on their 50th anniversary at La Roche College.

I yield back the balance of my time.

A GAME OF CAT AND MOUSE WITH THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Thank you, Madam Speaker.

It's a pleasure to follow my friend from Pennsylvania (Mr. ALTMIRE) and before that my friend from Georgia (Mr. WOODALL). It made a lot of sense. In fact, the last vote we took today was to eliminate the word ''lunatic'' from our Federal law. I don't have a problem with lunatic being used in the Federal law. Apparently, I was the only one here on the floor that didn't have a problem with using the term ''lunatic.'' In fact, it occurred to me that not only should we not eliminate the term lunatic at a time when we are facing national bankruptcy if we don't get serious about our issues but we should also use the term to identify those who want to continue doing business as usual around this town.

It's time we got serious. One of the things that would help the administration get serious, because it is a big deal and not because CBO has no clue what it's going to cost, as illustrated by them initially scoring, I believe, $1.1 trillion, then $800 billion, and now $1.6 trillion taking effect. Maybe $1.8 trillion. They don't have a clue. They're not allowed to use real historical reality, real rules to score. They use a fictitious static rule that is just so inaccurate. It would be a joke if it weren't so sad as to what it's done to good legislation.

Because of the emphasis on tax and all the people that are going to be hit with a tax because this administration and the Democratic Senators down the Hall—at least their leadership—continue to play games of cat and mouse and of chicken with the future of our financial stability and economy, I think it's important to look at taxes.

□ 1350

The President, for example, and Majority Leader REID in the Senate say they want to help the middle class, the poor working folks. So, apparently—and I know former Speaker PELOSI said we need to pass the bill so we can find out what's in it, but it's obvious from Leader REID's comments and the President's comments, those two people never read the ObamaCare bill.

It's a bit of interesting reading. I did go through it all before I voted against it; a lot of interesting stuff. I don't know why the President needs his own commission, the Noncommissioned Officer Corps. There were toss-outs to the big pharmaceuticals, AARP. If you saw somebody endorse this bill, then you could find a provision in here, if you knew what to look for, where they got their little pound of pork. So it's quite interesting. But Mr. Speaker, I would encourage the President and HARRY REID, since they have slapped this bill on the backs of every American, they really ought to read what they've done to Americans. There are a lot of people that have.

There was a good article, it seemed to be—I don't know Guy Benson, but a political editor for Townhall.com wrote on September 20, 2012, he was talking about the President:

> Barack Obama's re-election racket has been running millions of dollars worth of advertisements claiming that Mitt Romney's ''plan'' will raise taxes on middle class Americans. This isn't true; Romney promises precisely the opposite, and FactCheck.org has called out Democrats for repeating the debunked charge. But to paraphrase Bill Clinton's DNC speech in Charlotte, it takes some brass to preemptively criticize someone for doing what you've already done yourself. Before we get to the latest dreary punch line, let's go back to the video tape.

And online it had a video that could be punched, and it was President Barack Obama speaking. Part of his quote says:

> I can make a firm pledge: Under my plan, no family making less than $250,000 a year will see any form of tax increase. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

The article goes on:

> This man's ''firm pledges'' aren't worth very much, are they? Kate touched on this last night, but it's worth another spin, if only to marvel at the sheer hypocrisy of it all. The Congressional Budget Office has determined that millions of Americans will get socked by the ObamaCare mandate tax, 80 percent of whom are middle-income citizens. Nearly 6 million Americans—significantly more than first estimated—will face a tax penalty under President Barack Obama's health overhaul for not getting insurance, congressional analysts said Wednesday. Most would be in the middle class. The new estimate amounts to an inconvenient fact for the administration, a reminder of what critics see as broken promises. And the Budget Office analysis found that nearly 80 percent of those who'll face the penalty would be making up to or less than five times the Federal poverty level. Currently that would work out to $55,850 or less for an individual and $115,250 or less for a family of four. Average penalty: about $1,200 in 2016.

It goes on to point out:

> CBO also said there will be 30 million people without insurance, though all but the 6 million will be exempt from the tax. The exempt Americans are a combination of illegal immigrants and those with incomes too low to pay income tax.

The article says:

> Just so we're clear: ObamaCare raids $716 billion from almost-insolvent Medicare to chip in toward its own $2 trillion price tag, raises premiums on average families, increases national health care spending faster than doing nothing would have, swells the deficit, exacerbates the national doctor shortage, is insanely costly and difficult to comply with, and raises taxes by $500 billion on the backs of millions of middle class families—and the country will still have 30 million people lacking health insurance. What a deal! And most of that dysfunction doesn't kick in until 2014.

If it had kicked in in 2012, you would have seen a different President elected, I'm sure. But in any event, what the ObamaCare bill requires—and one further comment. When a bill is based on a fraud, it's probably not going to end up being a good bill. The ObamaCare bill—and I hear people talk about 2,700 pages, 2,500, 2,600—let's see. My version here—this is one we got from the official printer—2,407 pages. But it's interesting, the title of the bill:

Resolved, That the bill from the House of Representatives (H.R. 3590) entitled ''An Act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes,'' do pass with the following amendments: Strike out all after the enacting clause and insert—ObamaCare.

So they took House bill 3590 that was an act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes—this is a tax credit for our military members—they struck, as it says: ''Strike out all after the enacting clause and insert'' ObamaCare. That's a fraudulent bill. That bill did not originate in the House, it originated in the Senate. The Constitution requires that any bill that raises revenue must originate in the House. It started as a fraud. This bill became a fraud when it was enacted and it was asserted that this originated in the House. It did not.

We had a tax credit for first-time homebuyers for our military. There was nothing germane about ObamaCare to a tax credit for our military. That's why I say a bill that starts out as a fraud is probably not going to be real good for a lot of folks.

So, though the President promised people all across America over and over that if you make less than $250,000 then you will not see your taxes go up, well, let's take a breather from the so-called fiscal cliff—the truth of the matter is we went off of that back in August 2011 when we passed that ridiculous debt ceiling bill that is going to further gut Medicare, on top of what ObamaCare did to it, and also gut our national security. But looking back at ObamaCare and the tax consequences—and Madam Speaker, that's why I keep saying the President really ought to read the bill that bears his name, that people refer to as ObamaCare. He really ought to read it. Majority Leader REID really ought to read the bill because he'll get to the part that has a mandatory provision that the Supreme Court had to take up: Is this mandate a penalty or a tax? And of course the intellectual gymnastics that our Chief Justice had to go through to say, between

pages 11 and 15 of the opinion, that this is a penalty, it's not a tax. Because under the anti-injunction statute, no Federal court would have jurisdiction to take up the case if it's a tax because you would have to wait until 2014. Because under the anti-injunction statute, under Federal law, no Federal court could take it up until the tax is actually imposed and the person filing suit is actually someone against whom that tax is imposed. So they would have to wait until 2014 in the intellectual gymnastics of the Chief Justice, he says, between pages 11 and 15.

□ 1400

So Congress called it a penalty. It is really a penalty. They knew what it was. It's a penalty. It's not a tax for these purposes because, you know, it's just being assessed against someone if they don't buy this basic health insurance policy. And it's estimated that will cost thousands and thousands of dollars.

Then, of course, you get on over to around page 60. And after he said, It's a penalty; therefore the anti-injunction statute doesn't prevent us from taking jurisdiction. And now that we have jurisdiction, we'll take it up. And now we take it up, and we say, It's really a tax, so it's okay. Boy, that kind of intellectual lack of integrity in any Federal entity is a danger to the ongoing of the Nation.

But for those of us that did read the bill, you will find that if someone is making 133 percent of the poverty level or more, they must buy the basic ObamaCare policy. Well, 133 percent of the poverty level for one person would be $14,856. So anyone in America who makes more than $14,856, as an individual—and in case those at the White House don't know, $14,856 is less than and not even equal to $250,000—but if you make $14,856, as an individual, when the tax fully kicks in, you will pay an extra 2.5 percent income tax as a penalty for not buying the ObamaCare health insurance bill. And so you will get popped with an extra 2.5 percent tax, which will be $371 slapped on the people that can afford it the least. This ObamaCare bill slaps $371 extra on somebody that can't afford health insurance at a time when they can't afford to pay the extra tax. Well, congratulations.

That's why I really wish the Senate majority leader and the President themselves would read this bill so they know what they're doing to people so that when they say, This isn't going to hit anybody with any extra tax if you make less than $250,000—if they continue to say it, they'll know that is simply not true.

If you are a couple and you make $20,123 and you cannot afford—between the two of you, you are just scraping by with $20,000; gas prices are up because of all the money flooded into the market created by our Federal Reserve; inflation is going to be kicking in big time this next year; and it's going to be a struggle for any couple that's making $20,000. It's going to be tough. Prices of everything are going to be going up.

So at a time when they will not be able, probably, to afford several thousand dollars for the ObamaCare basic policy—some estimates have been that it will be around $12,000—well, then, you are going to pay an extra $503 in a tax penalty because ObamaCare mandates it.

Let's go to a family of six. If you are a family of six and you make $41,190 and you cannot afford thousands and thousands of dollars for the basic ObamaCare health insurance policy, then this poor family, struggling with six folks—I grew up in a family with four kids. When times were good, we ate beef. When times were not, we would have Beanee Weenee. I happen to like it just fine, but it's still a struggle.

For those who continue to struggle, as I heard Jay Leno once say, Four words: Kraft Macaroni and Cheese, one of my favorite meals. But, nonetheless, it is going to be hard to afford even macaroni and cheese.

If you have a family of six, you are making $41,190, and you can't afford thousands and thousands of dollars for the ObamaCare basic policy, then, hello, you are going to pay over $1,000 additionally in your income tax.

I hope and pray that somebody in the majority—because I know the hearts of so many of my friends across the aisle. They care deeply about people suffering in America. I know they do. They really do care. That's why I want them to read ObamaCare, as I did, and see what you are doing to the poor and the downtrodden in America.

The President is still running around saying, you know, if you are making less than $250,000, you are not going to have any extra tax. Wrong. Read your own bill. Speaker PELOSI said, We will pass the bill to find out what's in it. They still don't know what's in it. That's why somebody has got to stand up and tell them what's in this bill is taxes on people that cannot afford it.

If they cannot afford thousands of dollars for a health insurance policy, they're not going to be able to afford $1,030 in extra income tax that our President and all the Democrats passed without a single Republican vote. They're not going to be able to afford that.

I guess that's why ObamaCare is going to provide for an additional 17,000 or so IRS agents. Because with this poor family of six making 133 percent of the poverty level, you are probably going to have to chase those two adults down in that family of six and get blood from a turnip because they don't have the $1,030 to pay in extra income tax. If they did, they might try to buy some form of health insurance. But even if they spent $1,030 on the health insurance policy, from the estimates we've seen, that still would not be anywhere near enough to buy the basic policy required by ObamaCare. This is going to devastate the working poor in America.

And again, I go back. Any bill that starts as a fraud is probably not going to be good for America.

So we come back to all of the rhetoric about taxes. Look, too many people in the House and Senate have forgotten that in July of 2011—that's the real time we were facing a fiscal cliff. And S&P made clear, Look, if you don't cut at least $4 trillion over 10 years, which is $400 billion a year, we were running a deficit at that time around $1.5 trillion over what we were bringing in. And they were saying—and I thought it was pretty modest—if you don't cut at least $400 billion of the $1.5 trillion you are overspending, then you are going to get downgraded.

Leaders in both parties really didn't take that seriously. So they came back with a proposal for a supercommittee; and if the supercommittee didn't reach an agreement on $1.2 trillion over 10 years, a $120 billion reduction from the overspending of $1.5 trillion—that should have been a drop in the bucket. That's nothing. We should have been able to cut that much, and we didn't do it. So now the sequestration is looming, and we come back to this issue again. But I'm shocked that so many people have already forgotten.

When we failed to cut $4 trillion over 10 years from our budget back in the summer of 2011, we got downgraded, and things got more expensive.

□ 1410

Tim Geithner back then was saying, August 2, the world comes to an end financially. We're going to hit the financial ceiling. It's going to be disastrous. Then, basically, the interpretation of what he was saying is, when we get to August 2, Just kidding. We're going to be okay for a little longer, but we're about to hit it anyway.

The financial cliff was approached, and we went over it. Now we're bouncing down the cliff from ledge to ledge. I'm hopeful that at some point we'll say we've fallen far enough. Let's not go all the way down to the bottom of the abyss. Let's start climbing out of this vast hole we've dug for ourselves that we've been plummeting down. Let's get back on top. You're never going to do that bringing in $2.4 or $2.5 trillion and spending over $3.5 trillion. And we want to eliminate the word ''lunatic'' from the Federal code? That's lunacy to think you can keep spending over a trillion dollars more than you bring in, when you're bringing in about $2.5 trillion, and not pay the price.

It is immoral for one generation to be spending money that the next generations haven't even had an opportunity to earn. It is narcissistic to say we are so important in our generation that we are going to lavish money on ourselves uncontrollably so that future generations will pay for our self-indulgence.

The history of America is one generation after another making sure that the generations that follow would have it better than they did. When we come to this generation, my generation—and it's embarrassing, but we've been so self-indulgent, so self-absorbed that we would spend future generations' money. They are kids, some of them are not even born, and they are going to have to bear the cost of what we're doing. As one of our Republican friends said just about an hour ago, Be quite sure any deficit spending now will be a tax on someone at some point. It's just the way it is.

We keep hearing that everybody needs to pay their fair share, and I hope that beginning now when people hear ''fair share,'' they'll think about a flat tax. Steve Forbes has been talking about it for years. RAND PAUL had an article out a year or so ago proposing a flat tax. My friend, MIKE BURGESS, has a proposal. Many of us have proposals.

Look, you talk about wanting Warren Buffett to pay what his secretary does, yet you haven't made one proposal that will bring Warren Buffett to paying what his secretary does. That's crazy. That's why we shouldn't eliminate the word ''lunatic.'' It really has application around this town.

Warren Buffett ought to take heed. He runs around telling people, yeah, rich people should pay more taxes. Well, he's not. He's not going to pay more, not on any of the proposals that the President has him running around endorsing. How about a flat tax that says 15 percent for capital gains tax, what Warren Buffett normally pays, 15 percent for his secretary in income tax, 15 percent for gift tax, and a 15 percent corporate tax. Let's just go 15 percent across the board. The irony is that the economy would so explode—so many more people would be employed, so many more people would be making more money—that the revenue would actually come in in greater amounts. We would actually get greater revenue, and there would be less pain and less suffering in America.

A couple of years or so ago, an 80-year-old lady in east Texas said:

> I grew up here in east Texas in a home that had no electricity, no power. We had a wood-burning stove; and now the electricity, propane, everything is so expensive, my Social Security doesn't cover it. It looks like I'm going to have to go back to a wood-burning stove just to exist. This could be a cold winter.

It doesn't have to be like that. It ought to be an economic renaissance. The more fair we are here in Washington—you make more, you pay more; you make less, you pay less. I'm one of those that likes two deductions: one for charitable giving and the other for the mortgage interest deduction.

We can negotiate over numbers. That's not a problem. We could compromise. We can reach an agreement, a compromise over numbers, but let's don't compromise on a principle that is so basic and simply says, if you make more, you pay more. It's an easy concept. You make more, you pay more; you make less, you pay less. That's fair.

For Heaven's sake, let's do this. Let's take that ObamaCare burden off the working poor in America that are going to get socked with that tax. We were told for so long, if we don't do something, there will be maybe 30 million people in America who won't have insurance. Then we get to the bottom of it and we find out, well, now we're going to have lots of people paying lots more taxes and we're still—oh, and we're gutting Medicare. Because of ObamaCare, we're gutting Medicare by $716 billion so the seniors will have less health care. Oh, I know, some of our Democrat friends have said not to worry, we're only taking that from the health care providers—the doctors, the hospitals. We're taking that from them. We're not taking it from you, seniors. You don't have to worry. You will have Medicare. My foot.

Those health care providers who have $716 billion sucked out of the system will not be able to provide service to all the seniors, and that's why we start hearing stories now about how ObamaCare is going to work. Some say the age may be 75 that is tossed out by the panel. It won't be a death panel, but it will be a panel that says, You're 75. No hip. No, no. You're too old. You don't get a hip. You don't get a knee. You're just going to have to suffer because you're not productive anymore.

That is outrageous. Every individual has value.

I would just like to conclude with words from my friend Dick Morris, who said:

> I know there is a disagreement on when life begins in America, but for Heaven's sake, we ought to agree that life ends when you die.

That's why ObamaCare needs to go.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. CANTOR) for December 4 and today on account of family medical reasons.

Mr. BILBRAY (at the request of Mr. CANTOR) for today on account of personal reasons.

Ms. MATSUI (at the request of Ms. PELOSI) for today on account of attending funeral of longtime family friend Martin L. Friedman.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Friday, December 7, 2012, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8589. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0781; FRL-9370-6] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8590. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl(C8-C18) dimethylamidopropylamines; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0106; FRL-9369-2] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8591. A letter from the Acting Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Christopher D. Miller, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

8592. A letter from the Attorney, Legal Division, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Consumer Leasing (Regulation M) [Docket No.: CFPB-2012-0042] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8593. A letter from the Attorney, Legal Division, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Truth In Lending (Regulation Z) [Docket No.: CFPB-2012-0004] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8594. A letter from the Attorney, Legal Division, Consumer Product Safety Commission, transmitting the Bureau's final rule — Truth in Lending (Regulation Z) [Docket No.: CFPB-2012-0043) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8595. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Indonesia, Singapore, and/or Malaysia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8596. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Ghana pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8597. A letter from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting the Administration's final rule — Updating OSHA Standards Based on National Consensus Standards; Head Protection [Docket No.: OSHA-2011-0184] (RIN: 1218-AC65) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8598. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Control of NOx Emissions from Glass Melting Furnaces [EPA-R03-OAR-2012-0785; FRL-9755-4] received November 29, 2012, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8599. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, for Imperial County, Placer County and Ventura County Air Pollution Control Districts [EPA-R09-OAR-2012-0120; FRL-9710-3] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8600. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; San Joaquin Valley and South Coast; Attainment Plan for the 1997 8-hour Ozone Standards; Technical Amendments [EPA-R09-OAR-2011-0589 and EPA-R09-OAR-2011-0622; FRL-9753-3] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8601. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program [EPA-R06-RCRA-2012-0473; FRL-9745-1] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8602. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Approval of Air Quality Implementation Plans and Findings of Failure to Submit Required Plans; California; San Joaquin Valley; 1-Hour and 8-Hour Ozone Extreme Area Plan Elements [EPA-R09-OAR-2012-0734; FRL-9753-4] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8603. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance on Performing a Seismic Margin Assessment in Response to the March 2012 Request for Information Letter (JLD-ISG-2012-04) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8604. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants, Regulatory Guide 1.182 [NRC-2012-XXXX] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8605. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-149, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8606. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-103, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8607. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-113, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8608. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-135, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8609. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-148, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8610. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-150, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8611. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-137, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8612. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-092, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8613. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-127, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8614. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-152, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8615. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

8616. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

8617. A letter from the Senior Procurement Executive, Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-62; Introduction [Docket: FAR 2012-0080, Sequence 7] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8618. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's 2012 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

8619. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's Office of Inspector General Semiannual Report for the period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8620. A letter from the Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce, transmitting the Department's final rule — Civil Monetary Penalties; Adjustment for Inflation [Docket No.: 121022566-2566-01] (RIN: 0605-AA31) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8621. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3350-EM in the Commonwealth of Massachusetts, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

8622. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3353-EM in the State of Connecticut, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

8623. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Health Care and Social Assistance (RIN: 3245-AG30) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8624. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Adoption of 2012 North American Industry Classification System for Size Standards (RIN: 3245-AG47) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8625. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Real Estate and Rental and Leasing (RIN: 3245-AG28) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8626. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Educational Services (RIN: 3245-AG29) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8627. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — December 2012 (Rev. Rul. 2012-31) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8628. A letter from the Under Secretary, Department of Defense, transmitting the Fiscal Year 2011 Defense Environmental Programs Annual Report; jointly to the Committees on Armed Services and Energy and Commerce.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following actions were taken by the Speaker:

The Committee on Natural Resources discharged from further consideration. H.R. 511 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The Committee on the Judiciary, Agriculture, Energy and Commerce, and Transportation and Infrastructure discharged from further consideration H.R. 4297.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. KLINE: Committee on Education and the Workforce. H.R. 4297. A bill to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st Century, with an amendment; Rept. 112–699, Pt. 1; referred to the Committee on Veterans' Affairs for a period ending not later than December 14, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HALL (for himself, Mr. CONAWAY, and Mr. SMITH of Texas):

H.R. 6633. A bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the ''Paul Brown United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. CANTOR:

H.R. 6634. A bill to change the effective date for the Internet publication of certain financial disclosure forms; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. considered and passed.

By Mr. WALDEN (for himself, Mr. AMODEI, and Ms. BONAMICI):

H.R. 6635. A bill to direct the Secretary of Defense to submit a report to Congress on the future availability of TRICARE Prime throughout the United States and to ensure that certain TRICARE beneficiaries retain access to a primary care provider, and for other purposes; to the Committee on Armed Services.

By Mr. GRIMM (for himself, Mr. BISHOP of New York, Mr. ENGEL, Ms. HOCHUL, Mr. HANNA, Mr. KING of New York, Mr. GIBSON, Mr. TONKO, Mr. TURNER of New York, and Mr. CROWLEY):

H.R. 6636. A bill to designate the facility of the United States Postal Service located at 3031 Veterans Road West in Staten Island, New York, as the ''Leonard Montalto Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ELLISON (for himself and Mr. PAULSEN):

H.R. 6637. A bill to allow the Secretary of the Treasury to rely on State examinations for certain financial institutions, and for other purposes; to the Committee on Financial Services.

By Ms. DELAURO (for herself and Mrs. LOWEY):

H.R. 6638. A bill to amend chapter V of the Federal Food, Drug, and Cosmetic Act to enhance the requirements for pharmacies that compound drug products; to the Committee on Energy and Commerce.

By Mr. GALLEGLY:

H.R. 6639. A bill to amend the Wildfire Suppressing Aircraft Transfer Act of 1996 to facilitate inter-agency agreements with the Air National Guard and the Air Force Reserve to secure Defense Support to Civil Authority (DSCA) missions in the initial airborne response to fighting wildfires; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself and Mr. GOSAR):

H.R. 6640. A bill to authorize a land exchange involving the acquisition of private land adjacent to the Cibola National Wildlife Refuge in Arizona for inclusion in the refuge in exchange for certain Bureau of Land Management lands in Riverside County, California, and for other purposes; to the Committee on Natural Resources.

By Mr. RIBBLE (for himself and Mr. FLEISCHMANN):

H.R. 6641. A bill to authorize the Secretary of Transportation to establish a pilot program to study the benefits of using hair specimens for preemployment controlled substances tests of commercial motor vehicle operators, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LOBIONDO:

H. Res. 825. A resolution providing for the concurrence by the House in the Senate amendments to H.R. 2838, with an amendment; considered and agreed to. considered and agreed to.

By Mr. FLEMING (for himself, Mr. POSEY, Mr. MULVANEY, Mr. PRICE of Georgia, Mr. KING of Iowa, Mr. GOHMERT, Mr. FRANKS of Arizona, Mrs. LUMMIS, Mr. BROUN of Georgia, Mr. CULBERSON, Mr. WALBERG, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. FLORES, Mr. BARTON of Texas, Mr. OLSON, Mr. GINGREY of Georgia, Mr. HARRIS, Mr. AUSTIN SCOTT of Georgia, and Mr. BRADY of Texas):

H. Res. 826. A resolution expressing the sense of the House of Representatives that Congress should retain its authority to borrow money on the credit of the United States and not cede this power to the President; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or Joint resolution.

By Mr. HALL:

H.R. 6633.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17 of the United States Constitution.

By Mr. CANTOR:

H.R. 6634.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. WALDEN:

H.R. 6635.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is pursuant to the following:

1) Article I, Section 8, Clause 1: ''The Congress shall have Power To lay and Collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States''

2) Article I, Section 1—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. GRIMM:

H.R. 6636.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 and Article I, Section 8, Clause 18, the Necessary and Proper Clause. Legislation to name a Post Office after an individual is constitutional under Article I, Section 8, Clause 7, which gives Congress the power to establish Post Offices and post roads.

By Mr. ELLISON:

H.R. 6637.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 3.

By Ms. DELAURO:

H.R. 6638.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. GALLEGLY:

H.R. 6639.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 1 of the United States Constitution. The Congress shall have Power to . . . provide for the common Defense and general Welfare of the United States.

By Mr. GRIJALVA:

H.R. 6640.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. RIBBLE:

H.R. 6641.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 390: Mr. MCNERNEY.
H.R. 591: Mr. CROWLEY.
H.R. 1802: Mr. THOMPSON of California.
H.R. 2085: Ms. CASTOR of Florida.
H.R. 2229: Mr. CONYERS.
H.R. 2324: Mr. ENGEL.
H.R. 3324: Ms. BONAMICI.
H.R. 3395: Mrs. CAPITO.
H.R. 3798: Ms. DEGETTE.
H.R. 3984: Mrs. NAPOLITANO.
H.R. 4216: Ms. ZOE LOFGREN of California.
H.R. 4336: Mr. WALDEN.
H.R. 5436: Mr. POLIS.
H.R. 5817: Mr. WILSON of South Carolina.
H.R. 5991: Mr. PASTOR of Arizona.
H.R. 6101: Mr. AL GREEN of Texas.
H.R. 6157: Mr. GENE GREEN of Texas.
H.R. 6241: Mr. WAXMAN.
H.R. 6364: Mr. BUTTERFIELD, Mr. LONG, Mr. JONES, Mr. CARNAHAN and Ms. MOORE.
H.R. 6426: Mr. RUSH.
H.R. 6490: Mr. FLEISCHMANN, Mr. BROUN of Georgia, Mr. JONES, Mr. MICHAUD, and Mr. RUPPERSBERGER.
H.R. 6572: Mr. TIERNEY, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. CICILLINE, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. DOYLE, Mr. FITZPATRICK and Mr. RAHALL.

H.R. 6578: Mr. SHIMKUS.

H.R. 6587: Ms. BASS of California, Mrs. CAPPS, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER and Ms. PELOSI.

H.R. 6616: Mr. MULVANEY.

H. Con. Res. 21: Mr. CARNEY.

H. Con. Res. 142: Mrs. CAPITO, Mr. ROGERS of Kentucky, Mr. LANKFORD and Mrs. LUMMIS.

H. Res. 220: Mr. BISHOP of New York and Mr. HECK.

H. Res. 760: Mr. SCOTT of Virginia.

H. Res. 820: Ms. PELOSI.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

God, You have truly been good to us. Even when we stumble and fall, Your mercy continues to sustain us. Lead our lawmakers to realize that the abilities You have given them are only maximized when they are used for Your purposes. Show them the best way to use their talents and opportunities to honor and serve You. Lord, keep them from being so mired in political gridlock that they fail to do what is best for this land we love. May they speak today words that are constructive and helpful, bringing encouragement, as well as vision, to their work. Let Your glory be seen in this place.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for up to 4 hours. The reason for that is we have been on a Defense bill for a considerable number of days, and people haven't had the opportunity to come to express their views on a number of different issues, so we are going to extend that morning business for a longer time than normal.

Following morning business, about 2 o'clock, we will begin consideration of H.R. 6156, the Russia trade bill. We hope we are able to complete action on that matter today.

DISABILITIES TREATY

Mr. REID. Madam President, across the country Americans are lamenting the lack of progress in negotiations to avoid a massive tax increase on middle-class families, and I share that frustration. But for insight into why negotiations have been difficult, consider yesterday's failure of the disabilities convention at the hands of the tea party. This shouldn't have been a battle, but extreme elements of the Republican Party picked a fight when there was nothing to fight about. Thirty-eight Republicans voted against the convention, including several who were on record supporting it, even cosponsored it. This treaty, already ratified by 125 countries, would hold foreign nations to the same high standard and treatment the United States already maintains for people with disabilities.

It would safeguard American citizens traveling, working, and serving abroad, and that is hundreds of thousands of people right now. The treaty has the support of veterans groups, disability groups from around the country, virtually all of them. It wouldn't cost the taxpayers a single penny. It wouldn't require any changes to existing United States law, and the issue is as bipartisan as they come.

Here is what one Senator said about the treaty:

Protecting the rights of persons with disabilities, any person's, is not a political issue. It is a human issue, regardless of where in the world a disabled person strives to live a normal, independent life where basic rights and accessibilities are available. Disability rights and protections have always been a bipartisan issue and ratifying this treaty should be no different.

This wasn't some ultraliberal speaking, it was Senator JOHN MCCAIN, a disabled veteran, a hero from the Vietnam conflict, who broke with extremists and tea partiers and voted to ratify the treaty.

The convention also has the strong support from a number of other leading Republicans, including George H.W. Bush, the first President Bush. He, by the way, of course, was a World War II veteran and did heroic things during that war.

It also has the support of former Senate Majority Leader Bob Dole, certainly a patriot. Senator Dole, a disabled veteran from World War II, who led the fight to pass the treaty, was here yesterday urging Republican support.

Think about that. Robert Dole, who was grievously injured in World War II, spent more than 2 years in a hospital, came to this Senate floor, and the first speech he gave was on disabilities. We

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

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need to do something about it. He was here leading the fight to pass the treaty, urging Republicans to support it.

A few Republicans greeted him as he was in his wheelchair here. They greeted this 89-year-old war hero—I repeat, a patriot—who just last week was in Walter Reed Hospital. Then one by one all but a handful of them voted against the treaty, ensuring its failure. But their professed reasons for opposing it had no basis in fact—none.

Most Republicans acknowledged that. Some used an excuse, well, it is a lameduck, we shouldn't be doing it in a lameduck. I mean, wow.

There is no justification for sending a message that every individual around the world who strives to lead a productive life in spite of a disability does not deserve the same just treatment. There is no justification for telling disabled Americans, especially those who have sacrificed their bodies for our freedom, our veterans, that they don't deserve the same protections abroad they do here at home. Yet that is the message 38 of my Republican colleagues sent yesterday.

TAX INCREASES

These are the same Republicans with whom Democrats are supposed to reach an agreement to protect middle-class families from a tax increase. It is difficult to engage in rational negotiations when one side holds well-known facts and proven truths in such low esteem. Hopefully, compromise is not out of reach, but as negotiations continue, I hope my Republican colleagues will keep in mind the oft-repeated words of Senator Daniel Patrick Moynihan who said, You are entitled to your own opinion, but you are not entitled to your own facts.

I know how high the stakes are. The days run short. There is still a quick, easy way out of this. The House must take up the Senate-passed middle-class tax cut. A few reasonable Republicans who are left agree we need to give certainty to middle-class families now.

Yesterday OLYMPIA SNOWE, a very courageous legislator for more than two decades, who is retiring, said Congress should fight about tax rates for the top 2 percent after we have reassured the middle class. Americans ''should not even be questioning that we will ultimately raise taxes on low- to middle-income people.'' That is her quote.

People are questioning this. If House Republican leaders allow a vote on our legislation, it will pass; every Democrat will vote for it. It will only take 26 Republican votes. It is a huge body, 435 Members. We only need 26 Republicans for this to pass. I know there are 26 Republicans who would vote for this. We have one conservative Republican serving in the House who has said more than half would vote for it. I believe there are 26 reasonable Republicans willing to put their promise to serve constituents ahead of their pledge to serve Grover Norquist.

So I say to my friend, JOHN BOEHNER, in the House of Representatives, you control matters on the floor. No one else does. You have the ability, and you are the only one who has the ability, to put this on the floor for a vote.

He should do that. That would be the American way.

RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business for the day?

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore.

Under the previous order, the Senate will be in a period of morning business for up to 4 hours with Senators permitted therein up to 10 minutes each, with the majority controlling the first 30 minutes.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Michigan.

THE FISCAL CLIFF

Ms. STABENOW. Madam President, I rise today to once again speak about the fact that in July, July 25 of this year, the Senate passed a middle-class tax cut bill guaranteeing that the first $250,000 dollars of income any American has would be exempted from any tax increase. We all know that the vast majority—in fact 98 percent—of Americans, makes less than that amount of money. We are talking about 98 percent of Americans receiving tax cuts under that proposal.

Back in July we passed this proposal, and it is now still waiting in the House of Representatives. So far the House leadership has refused to even let the bill come up for a vote, even though we all know that there is a majority of Members in the House who would vote for this and guarantee that as we go into Christmas, middle-class families across America would know they would have $2,200 in their pockets, more in their pocket right now, next year, than they will have if their tax cuts expire. We have passed this bill, and we are urging the House of Representatives to do the right thing and to pass this bill.

Even Republicans in the House say they support this effort. We all know that Representative TOM COLE from Oklahoma said last week, ''I think we ought to take the 98 percent deal right now.'' It is a pretty good deal.

Let us start. We know we have a large deficit reduction effort that needs to take place. There is a lot of give and take that needs to take place. We know what the elements are. But let us do step one, which is something overwhelmingly we agree with. The Senate has passed it on a bipartisan basis. There are enough votes in the House of Representatives. Let us get that piece done and not hold middle-class families hostage to the idea that the wealthiest among us should get additional tax cuts. Let us agree that 98 percent of families in America should be secure in knowing they are not going to have $2,200 more taken out of their pockets next year.

Now, we have just a few days to get this done. In fact, right now we have 27 days until middle-class taxes go up. In 27 days, we will see taxes go up for middle-class families. So this needs to get done now.

There are numerous House Members now agreeing with us—Republican House Members—and I commend them. In addition to Representative COLE, Representative WALTER JONES from North Carolina said yesterday that he would vote for the Senate's middle-class tax cut bill. Representative STEVE LATOURETTE, Representative CHARLES BASS, Representative MARY BONO MACK, Representative MIKE SIMPSON, and Representative ROBERT DOLD have all said the Senate plan is a responsible approach that protects middle-class families from a massive tax hike.

We now have a situation where the Democratic leader in the House is putting forward what is called a discharge petition. As our distinguished Presiding Officer knows and as I know, having been House Members, if a majority of the House signs a petition, that can essentially force a vote even if the Speaker and the Republican leadership don't want to bring it up.

I am hopeful that 218 Members on both sides of the aisle will sign this petition and that we will be able to guarantee before Christmas that middle-class families across this country are not going to have to worry about spending $2,200 more on taxes next year. We need to get this done, and I am hopeful that the House Members will sign that discharge petition if the Speaker does not take this up.

What does this $2,200 mean? It is the difference between paying the bills or not. It is the difference between getting ready for Christmas—buying the tree and the decorations and the presents. So many families these days are back doing layaway, which, for me, when my kids were little and we were trying to budget and figure out how to do things, meant picking out something back in September or in the summer and putting it on layaway and hoping to pay for it so the kids would have the Christmas I wanted for them. Families are doing that today, budgeting every single dollar to make sure they can provide the Christmas they want for their children. As they are budgeting all that, they need to know

they do not have to budget a tax increase starting in January, which is what will happen if the House doesn't act within the next 27 days.

One constituent of mine indicated to me that $2,200 was 4 months of her grocery bill. That is a lot of money. We are talking about 4 months of her family eating. We have also figured out that $2,200 would buy 650 gallons of gas. For the average commuter, that is enough gas to get back and forth to work every day for 3 years. That is a lot of money—$2,200, 650 gallons of gas. And $2,200 will buy families in Michigan 550 gallons of milk for their families. So we are talking about a significant amount of money for the average middle-class family, those aspiring to get into the middle class, and those struggling across the country. This is a lot of money for the families we are talking about.

The Republicans in the House can stop this tax increase if they want to. They have 27 days to do it, 27 days to stop a tax increase on middle-class families, 27 days to stop an increase and make sure $2,200 more is not taken out of the pockets of families next year.

Let me stress again as well that we are talking about middle-class tax cuts that would allow every American to get a tax cut on their first $250,000 of income. For the majority of people—98 percent of Americans—that is their income, or less. They do not make more than $250,000 a year. But for everybody who does, it would continue to make sure their taxes don't go up.

For those above that, we would say: You know, for the last decade you have had extra tax cuts, and we are going to ask you now, in the face of the largest deficits our country has ever seen, to do your part, to share in solving the problem.

I know an awful lot of people who are ready to say: Absolutely. I want to do my part.

That is what we are talking about—those wealthiest few being at the table to do their part so we can solve the biggest deficit crisis we have had as a country.

So we are talking about every American earning $250,000 or less or earning an income of $250,000 or less being exempt from tax increases, and that covers, as I said, 98 percent of Americans.

There is agreement on both sides of the aisle. I congratulate and appreciate very much Senator SNOWE's comments in which she indicated we should just get this done. She said Americans should not even be questioning that we will ultimately raise taxes on low- to middle-income people. We should take it off the table while grappling with tax cuts for the wealthy.

I couldn't agree more. We are going to miss Senator SNOWE in the Senate. She, as usual, is right on the money in terms of the common sense of this situation.

In July the Senate passed a middle-class tax cut. I believe we now have a majority in the House of Representatives, on a bipartisan basis, believes middle-class taxpayers should get tax cuts next year. The House needs to bring it up and vote on it now so we get that off the table. That is step one.

Then, of course, we have larger issues on which we have to agree. We have to sit down and come together on those issues. Last year we agreed on $1 trillion in spending reductions. This step gets middle-class taxpayers off the hook, being held as pawns, held hostage to whether the wealthiest among us will get additional tax cuts next year. Let's just say middle-class families get $2,200 next year, they get to continue their tax cuts, and then we will go on to the next step.

It seems to me—and we certainly saw this as we were doing the farm bill—you don't have to agree on everything to do something. You start with what you agree on. Everybody says they agree middle-class families in this country should get tax cuts next year and beyond. Then let's just do it. What are we waiting for? Let's do that, and then we will look for the next set of issues we can agree on to solve the large problems we have in terms of our fiscal situation and economic growth, by the way, because we will never get out of debt with 12 million people out of work. So we better continue to be focused on jobs, which I know is a huge focus for our caucus—making sure people can lift themselves out of poverty into the middle class and have the opportunity for good-paying jobs for themselves and their families.

So we have a lot of issues to talk about, but since everybody says they agree middle-class taxpayers should not get a $2,200 tax increase next year, why don't we just do that? We shouldn't have to run the clock out and get closer and closer to the holidays, closer and closer to Christmas, with families not knowing what they are going to have to budget for next year. Let's just do it and let families know we can actually work together and get things done because that is really what people are asking us to do.

I believe that is the message of this past election, that people want us to sit down and be reasonable and work together. They also sent a message through the reelection of our President, who campaigned saying the wealthiest among us should be part of solving the problem and can afford to pay a little more to make sure we are not asking middle-class families to bear the entire burden of resolving the deficit in our country. The President won. The public said: Yes, that makes common sense. Everybody ought to be participating, not just middle-class families or senior citizens, who have been hit the hardest in the recession. With everything that has happened in the last decade, they have been hit the hardest or carried the brunt of it.

We are simply saying: You know what. Everybody ought to be in this. As Americans, we all benefit from this great country, the blessings of this country, and everybody ought to be part of the solution.

So I believe that was a very strong message. I believe it was a very strong message to say people want us to work together.

I also know, in looking at the proposal the Speaker has given, it is a nonstarter, saying we are taking off the table any effort that would stop more tax cuts for the wealthiest among us, and instead what we want to focus on is closing loopholes and deductions, because that falls right back to the middle class again—home mortgage deduction, college deduction, the mortgage tax relief bill I have which makes sure that in a short sale or another situation where a family is coming to some agreement with the bank on loan forgiveness, they do not pay taxes on that as income. So we have a whole range of what they call tax deductions they can close that fall smack-dab on the middle class, and that is a nonstarter.

In conclusion, let me say once again that we have 27 days to stop a tax hike on middle-class families across America—$2,200 that will hit people next year. It makes no sense. If they pass the Senate bill, they will be guaranteeing that 98 percent of American people don't have a tax hike. We need to get it done, and I would urge in the strongest possible way that the Speaker bring this up right away and pass it.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I wish to thank the Senator from Michigan for her leadership on this issue—21 days until Christmas, 27 days until ''cliffmas.'' That is the fiscal cliff—December 31—and people are counting down. Two-thirds of Americans are watching this debate on Capitol Hill because it affects every single family, every individual. One has to think, could Congress possibly step back and let taxes go up on working families? What are they thinking?

We know what working families are dealing with. Many working families across America struggle paycheck to paycheck. The Pugh Institute did a study last year and asked working families how many could come up with $2,000 in 30 days for an emergency expenditure. It is easy to imagine one—a car repair, a quick trip to the hospital emergency room costing $2,000. Only half of working families could come up with $2,000 in 30 days. That shows how close to the edge many people live. And now we have before us the possibility that these very same families struggling with these issues are in fact going to see their taxes go up on December 31.

There is one person who will decide that: Speaker JOHN BOEHNER, the Republican Speaker of the House of Representatives. Now, why am I putting all this on poor JOHN BOEHNER, a Congressman from Ohio, from a working

family himself? Well, because it is within his power to call before the House of Representatives a measure that passed the Senate last July. We passed on a bipartisan vote a measure to protect all families making less than $250,000 a year from any income tax increase on December 31. We sent it over to the House of Representatives in July. Speaker BOEHNER has refused to call up this measure that would protect working families. As a result, if he does nothing, their tax bill will go up $2,200 next year. How do you explain that? It is not only unfair to those families who are working and struggling, it is really not good for this country. All of us know the issue of income inequality. How many working families are falling further and further behind every single year despite their best efforts, despite their hard work? We also know that many families are looking ahead and wondering how in the world they are going to pay for a college education for their kids or maybe even stay in their homes.

Those are life-and-death, day-to-day, paycheck-to-paycheck decisions families face. And let me be even more specific. The failure of Speaker JOHN BOEHNER to call this bill for a vote in the House of Representatives before December 31 endangers our economy. That is right. The failure to pass this bill in the House of Representatives before December 31 will endanger our economy. Why? Because we are in the midst of recovery from a recession. People are getting their jobs back. Businesses are getting a little stronger. But if Speaker BOEHNER refuses to call this bipartisan measure that passed the Senate and we see a downturn in consumer confidence because people think their taxes are going up, if we see a downturn in consumer purchasing because people aren't sure about that next paycheck, then we are going to see a stall in this economy. It will be Speaker BOEHNER's stall, and it is not something he should take lightly.

This is a delicate recovery moving in the right direction, but if it is going to gain strength there has to be some certainty, and it should start with the passage of this measure.

The House Republican leadership is bargaining with the President now. The President said the wealthiest among us who have realized the American dream should be willing to pay a little bit more so others get a chance at the American dream. That is not unfair. I think many of us who came from working families and have done well with our lives believe, yes; we owe it to our kids and we owe it to the next generation to give them a fighting chance. If that is going to happen, then Speaker BOEHNER and the House Republican leadership have to take this very seriously very quickly.

I understand the pressure the Speaker is under, and I guess my colleague, Senator MCCASKILL of Missouri, said it very concisely and effectively last Sunday on one of the talk shows. She said it is a hard political choice for JOHN BOEHNER. He has to decide what is more important, the survival of his speakership or the survival of this Nation. That is a pretty stark choice but not a hard choice for a real leader.

I will say this to Speaker BOEHNER: If you step up and do the right thing for the working families across America, if you step up and do the right thing for this country, Democrats will stand with you on a bipartisan basis to make it happen. That is the only way we are ever going to achieve the right result in this debate over the fiscal cliff.

So we call on Speaker BOEHNER: Before you go home to relax in Ohio for Christmas, let families across America relax knowing that they are not going to see their income tax rates go up on January 1. This is worth $2,200 to the average family in my home State of Illinois. And I say to the Speaker, it is worth that to families across the United States. For the good of this Nation, for the good of the economy, for the good of these working families, for goodness' sake, pass this measure, this bipartisan measure that passed the Senate last July. Get this part done. We can debate the rest, but give peace of mind to these working families and middle-income families so that tomorrow they are not going to see their income taxes go up.

DISABILITIES CONVENTION

Madam President, it was a disappointing day yesterday when the Senate failed by five votes to pass the convention on disabilities. It is a measure I worked on with former California Congressman Tony Coelho, who has been an outstanding advocate for the disabled in America throughout his career in the Congress and Senate. But it was also an effort for one particular friend in Illinois, Marca Bristo.

Marca is an exceptional person, confined to a wheelchair, but one would never know it. This woman is everywhere, all the time, working night and day to help the disabled in my State and around the Nation. She came to me as well and said: Can you help pass this convention on disabilities?

I said: It is going to be hard because a lot of Members just don't want to take up a measure and consider something like this.

She said: We will put together a strong group supporting it.

When it was all over, virtually every veterans organization in America supported this convention on disabilities. In addition, every disabilities group also endorsed it—the chamber of commerce and so many others—because 125 nations have already ratified this convention on disabilities.

What is it? It is a treaty that was drawn up by President George Herbert Walker Bush and signed by him but needs to be ratified by the Senate, and we failed to do it. Years and years have passed since President Bush, and we haven't taken it up. One hundred twenty-five nations took it up and passed it but not the United States.

There was one real champion for this, and he came to the Senate floor yesterday. It was good to see him again—what an outstanding man and individual—Senator Robert Dole. We have had our differences politically, but I am an admirer of Robert Dole and what he has given to America.

A disabled veteran from World War II, he came back having been shattered by that war and built a life of public service that he gave to the people of Kansas and here in the Senate Chamber. He and his wife, former Senator Liddy Dole, came to the floor of the Senate before the vote. They were just over here in the well. I looked at him and I thought: We have to do this for Bob Dole. This man speaks for disabled veterans and the disabled community. He was with Senator TOM HARKIN, one of the lead persons when it came to passing the Americans with Disabilities Act 22 years ago.

It was a solemn moment in the Senate, with Senator Dole sitting right there in the well begging his colleagues to pass this disabilities convention, maybe his last lobbying effort that he would undertake. It meant so much to the Dole family and to Robert Dole, and he came to the floor and we called the measure. Those who witnessed it will remember that most Members came and sat in their chairs to cast a vote, which is rare here, and it tells the story that this was more than just an ordinary routine vote.

We listened as the rollcall was made, and we watched the Senators stand and vote. Then toward the end, I turned to TOM HARKIN sitting over here and said: We don't have it. We missed it.

We did. We failed to ratify this by five votes. We had 61 votes, and we needed 66, because Senator KIRK is absent because of illness. Sixty-six votes were needed to pass this.

There were only eight Republicans who would stand with all of the Democrats to pass this convention on disabilities. Senator JOHN MCCAIN led that effort—JOHN MCCAIN, a person who knows the cost of war and the price that is paid and who showed extraordinary political courage. Senator JOHN KERRY also joined him, another Vietnam war veteran who stood up for these disabled veterans, for their conflict and World War II and Korea and so many others.

What a disappointment. What a disappointment that the Senate, which on a bipartisan basis passed the Americans with Disabilities Act with more than 90 votes 22 years ago, couldn't even ratify this treaty which would not change a single law in America, which would not infringe on our freedoms in any way—that we couldn't pass that on the Senate floor. What a sad testament to what has happened to the Senate in the last two decades that a man like Bob Dole would witness this. I am sure it broke his heart. It broke mine too.

I went out afterwards and saw the disabled gathered in the lobby out here. Many of them were crying. They

couldn't believe it. At a time in America when we are giving the disabled chances they have never had, opportunities they have deserved for decades and generations, that we would turn down this convention on disabilities here—it was a sad moment in the history of the Senate that only eight Republicans would join every Democratic Senator in voting for the ratification of this treaty on disabilities.

Some of these colleagues may have another chance. Maybe next year we will have another go at it. I certainly hope Senator Dole will be here to join us and see that happy day. But yesterday was a sad day for the Senate and a sad day for our Nation.

We owe a debt of gratitude to the disabled who work so hard, to the disabled veterans who testified and worked so hard for the passage of this treaty, and we owe it to them and the disabled around the world to give them a chance—a chance for an opportunity which has become the law in America and needs to be the law across this Nation. Whatever the petty political squabbles were that led to this vote yesterday, we need to put them behind us. It is important for us in the 21st century to speak as one on a bipartisan basis for the disabled.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, in less than 1 month American taxpayers face the greatest tax increase in our Nation's history.

Two years ago the President and the Senate Democrats opted to postpone these tax increases for 2 years. They did so knowing that raising taxes in a weak economy is an unnecessary and counterproductive jolt to the system. Forty Democrats supported doing that.

Since then, however, the President has been single-minded in arguing for tax increases on certain wealthy taxpayers. He and his Democratic friends promoted these tax hikes in the name of a so-called balanced approach to deficit reduction. Now, with the country fast approaching the fiscal cliff, it is time to pay the piper. But as the President issues ultimatums about what kind of tax increases are necessary to avert the fiscal cliff, it is worth noting that he has abandoned any pretense of seeking a balanced approach to deficit reduction.

Last week's proposal from the White House amounts to little more than a massive set of tax increases—by the way, far in excess of the tax hikes he ran on or anything that Senate Democrats would support, coupled with new spending. Even Democrats don't support what he called for. And his response to Speaker BOEHNER's balanced plan is raise taxes today, and next year we will come back and discuss raising taxes again.

The President's commitment to a balanced approach to new tax revenue and spending reforms has morphed postelection into new tax revenue and increased spending. To cap it off, they have thrown in a fresh demand that would eliminate any limit on the Federal debt.

The proposal outlined by Treasury Secretary Geithner last week shows that, if given a chance, Democrats will never use new taxes to reduce the deficit. They will instead use it to pay for larger government, more public workers, and more government waste.

We need to have a serious conversation about our Federal debt, which is now over $16.3 trillion and going up every day. How do we get that number under control? The President and his Democratic friends have suggested for years that they can do it on the revenue side specifically by taxing the wealthy. Yet the new taxes on the rich promised by the President during the campaign would reduce the next 10 years' of deficits by only 8 percent, assuming they didn't do any more spending.

So where is the rest of the money going to come from? We need to have a serious conversation about spending, but so far the President, congressional Democrats, and the liberal interest groups who support them have refused to engage.

All I can say is that Republicans are here, and we are ready to talk. We are ready to reach a balanced resolution that would spare the American people from the consequences of going over the fiscal cliff.

I have only been here 36 years, but I have seen every President willing to meet on a regular basis at budget crunch time with people on both sides of the table over and over and over until they gradually whittle it down to where they can agree. I haven't seen that with President Obama. I have even heard Democrats complain that he never talks to them.

We cannot do this kind of work without very strong Presidential effort. That is what Presidents are for. And it can't just be laying down a gauntlet or saying: You can't cross over that, drawing a line in the sand. You have two programs now, and those two sides need to get together. That includes the President and whatever Democrats he cares to put in the equation, and also Speaker BOEHNER, Leader MCCONNELL, and others.

As we attempt to reach a meaningful resolution of this debate in the coming weeks, there are three guideposts that I will keep in sight.

First is the cliff itself. Going over it would be the height of irresponsibility. According to the Congressional Budget Office, going over the cliff will reduce GDP to a negative one-half of 1 percent next year, throwing us back into a recession and causing unemployment to surge to 9.1 percent or more. But it seems increasingly clear that the President and Democrats in Congress are content to go over the cliff regardless of the outcome. I can't believe that is so, but I have heard them say it. They think they will have an advantage if we go over the cliff.

Well, I hate to tell you, there will be no advantage to that. Leading Democrats have expressed on several occasions their openness toward going over the cliff. The question is, Why? Why would the President do this? Why would Democrats jeopardize the livelihoods of hundreds of thousands of American workers and the economic security of their families? Why are they putting raising tax rates on a few ahead of the well-being of all?

Republicans are working to avoid this outcome. We want to avoid raising tax rates because we know once they are raised they will stay there or there will be another demand next year to raise them higher. We have a good argument for that. We believe it hurts the economy by harming incentives to work, save, and invest.

Republicans have expressed some willingness to work with the President to raise revenue without raising tax rates, but the President refuses to budge. After all, he argued during his reelection that the deficit reduction math does not work otherwise.

This leads me to my second guidepost in this debate. It is the President's math that does not work, and his math is off in a multiplicity of ways. Let's start at the beginning. Last year's deficit was $1.3 trillion. Next year's deficit is likely to exceed $1 trillion for a fifth year in a row.

So what would the President's tax hikes proposal raise in terms of revenue? What would it have done to last year's $1.3 trillion deficit, and what would it do to reduce our debt over the long term? If all of the 2001 and 2003 tax relief were to expire, it would reduce the deficit by $426 billion over 1 year.

To put it another way, the full extension of the current bipartisan tax relief would cost $426 billion over 1 year.

Now, that is a lot of revenue. But the President and congressional Democrats—or at least most of them—have no desire to see all of this tax relief expire. In fact, their plan, should we go over the cliff, is to reinstate almost all of it. They say they only want to raise taxes on the rich.

So how much would it cost if we extended current tax relief for everyone but those making over $250,000, which some have said is the line for being rich? Assuming the estate tax stays where it is—a fair assumption, given the level of support for that policy even among Senate Democrats—the cost of extending all of the tax relief except for those individuals would be $358 billion. And given that certain Senators from high-income blue States are uncomfortable designating families making $250,000 a year as rich, it has been suggested that the current tax relief might be extended for everyone but so-called millionaires. Warren Buffett has said those earning $500,000 a year or more, but others have said millionaires. And how much would that cost? The 1-year cost of that tax relief would be $383 billion.

There are a few different ways we can look at these numbers. One way is to

compare the cost of the Democrats' tax plan with that of the Republicans'. The 1-year difference between the Republican proposal of extending all tax relief and the Democrats' proposal to raise taxes on the rich is, at most, $68 billion and perhaps as low as $23 billion. With the deficit over $1 trillion, is the President willing to send us over the cliff for as little as $23 billion in additional revenue? I cannot believe he is, but he is.

Another way to look at the numbers is to compare the cost of the Democrats' actual plan with the President's stated desire to raise revenue by $1.6 trillion. He cannot get that from just the rich. Even if he took every dollar every millionaire earns this next year, he probably would have a little less than $900 billion. That may be high.

I look forward to some enterprising reporter getting to the bottom of this one. The President says he wants to raise taxes by $1.6 trillion and his Treasury Secretary suggests Democrats are on board with this strategy. I do not believe that for 1 minute. I don't believe his program would pass the Senate, and I don't think many Democrats would vote for it. I know at least 20 who will not. Yet the revenue generated by the proposal supported by real live Democrats seems to raise only between $353 billion and $383 billion.

Here is the question: Where is the President going to come up with another $1.2 trillion or so in tax increases that his fellow Democrats will support? We have seen three budgets the President has sent up, and they have not received one vote from either Republicans or Democrats—not one. Where is the President going to come up with another $1.2 trillion or so in tax increases and be able to get Democrats to support him? I do not mean supported by Democratic pundits; I mean supported by the 20 Democratic Senators who will be facing their constituents in 2014. The $1.6 trillion tax increase is lifted from the President's own budget that has been rejected on a bipartisan vote—100 percent in both the House and the Senate—and that budget received no votes at all, Democrat or Republican, in either the House or the Senate. As I said, it is the President's numbers, the numbers Secretary Geithner sent here last week to promote that do not add up.

The President's insistence on a $1.6 trillion tax hike that is neither supported by the American people nor even elected Democrats is not about deficit reduction. The President and congressional Democrats think they can bludgeon Republicans as an out-of-touch party of the rich because we support tax relief for everybody.

Let me say a few words in our defense. First off, and I want to say this loudly and clearly: I could not care less about the financial well-being of the Nation's rich. Whether Warren Buffett is able to maintain his corporate jet is no concern of mine, although he is a friend. The continued ability of actors and entertainment industry executives to summer at Lake Como and winter at Saint Kitts is not on my list of priorities. In fact, I believe when we do finally engage in fundamental tax reform it is worth our while to look at how these superrich are sheltering their wealth from the full burden of income taxation while the middle class continues to suffer on both the income tax and increasingly the alternative minimum tax, which is going to hit about 28 million regular people who are not millionaires on January 1, if we go over the cliff.

Still, I, along with most of my Republican colleagues, continue to promote the seamless extension of current tax policy. That is because of the impact of increasing marginal rates on small business owners and the consequent impact on job creation and economic growth. We know it is going to hit approximately 1 million small business owners very hard; most of whom put their money back into the business so they can grow it and hire more people.

Republicans support low marginal rates because we know that by raising rates we hamper the efforts of investors, small business owners and, most importantly, the American workers they employ. Republicans are averse to rate hikes that would have a detrimental impact on people's livelihoods. We are averse to rate hikes that would undermine the prospects of fundamental tax reform that promotes fairness and economic growth, and we are certainly averse to a discussion about increased revenue in the absence of serious talk about spending reform—something that is not, except in minuscule ways, in the President's suggestions.

We keep hearing Republicans are dug in on the issue of taxes and that their resistance to increased revenues has been holding back the big balance deal set by the President. This has to be one of the most misreported stories in my memory. Many Republicans have stated openness to increased revenues. There is a difference between revenues and tax rate increases that we Republicans continue to point out. But we are only willing to be open to increased revenues as part of a balanced deal and only if revenue increases are coupled with entitlement spending reform.

This brings me to my third guidepost for this debate. The President has shown a real stubbornness toward any reform of the spending programs that are the main drivers of our deficit and debt. We hear constantly about the intransigence of Republicans with their antitax rate increase views. Yet we do not see the same front page stories documenting the over-my-dead-body resistance of Richard Trumka, the head of the AFL/CIO, and the head of the AARP toward entitlement spending reform which everybody knows we have to do if we are going to keep Medicare going. I don't think there is anyone in this body who doesn't know that within 10 years it will be broke, unless we make the appropriate structural reforms now.

The President continues to call for a balanced approach to deficit reduction, but in practice he is offering all tax increases and no spending discipline. He has offered nothing meaningful on entitlement reform. The proposal put forward last week by Secretary Geithner was embarrassing.

I happen to like Secretary Geithner. I stood up for him under some trying circumstances on the Finance Committee before he was approved by the Senate. I did it because I believe he is a hard worker. I believe he is an intelligent man, and I personally like him. But, my gosh, if I were the Treasury Secretary and the President gave me that plan to go and show it to the leader of the House, the Speaker of the House, I would have said: No, Mr. President, you can't do this. This is an insult. If the President said you have to do this for me, I would say I think it is better for me to resign at this point.

It is embarrassing. I think Secretary Geithner knows it. If he does not, then he is not the man whom I have always thought he was. That proposal did nothing to address spending, aside from wanting to increase it. But that is where the Democrats are.

I understand the Democrats' predicament. Right after the election it appeared the door was open. The President seemed willing to address tax revenue in a responsible manner, a manner respectful of the legitimate concerns of the House majority and the 62.6 million individuals who did not vote for him. But within 1 week he was read the riot act by the unions and the AARP, who will resist any meaningful changes to the retirement spending programs that are now bankrupting our country.

Later this week I will outline a series of entitlement changes that could and should be supported on a bipartisan basis. The President told the American people he wants a balanced approach. My hope is the President comes forward on his own with his own details on how he would fix the entitlement spending programs; I mean real details on real proposals with real teeth, not the window dressing in the President's budget that even the Democrats reject and have rejected in the past.

The President has demanded a balanced approach. It is what he promised the American people and it is what we Republicans are prepared to give him. If the President wants to avoid going over the fiscal cliff, he can steer us away from it. The special interests and his liberal base will no doubt cry foul, but they will follow him if he will lead, and I don't see the leadership, between you and me.

Not to put too fine a point on it, but if we go over the cliff, it will be because the President wanted it to happen and he thinks he will get political points for doing it. With the Main

Street media, it is likely they will ignore the actual facts. Even though the President will never again run for any public office, he will have put cheap political points ahead of a reasonable deal he claims to support.

This is deeply cynical, and the President should understand that when the history of this episode is written, he will be portrayed not as a strong leader but one who wilted in the face of our generation's greatest challenge, caving in to the special interests over the well-being of the country. When he faced the choice of tough statesmanship or easy accolades from his house cable news network and a dead-ender base, he chose the latter.

I think it is time for the President to start leading and to put away his campaign talking points and talk to us rather than talking from a toy factory and trying to make his points. He needs to put away his campaign talking points, and he needs to engage in finding a balanced solution to our debt crisis. He needs to lead the country, and he needs to protect American small business, their workers, and their children from an increasingly dim fiscal future.

I am concerned about it. As I study it, the difference between the President's plan and what Senator MCCONNELL and I have suggested, putting it over for 1 year and giving us 1 year to dedicate that to tax reform, the difference is about $23 billion. At the most, it is $68 billion. We are going to go to the cliff, $23 billion? We would have to be nuts, even if our illustrious media will cover it up.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Iowa is recognized.

RULES OF THE SENATE

Mr. GRASSLEY. Madam President, there has been a lot of discussion lately about how the Senate is not working properly. This is evident to even a casual observer. On the other hand, to understand how the Senate was intended to work and what has gone wrong requires some knowledge of the history and the rules of the Senate. I would put more emphasis upon the history than the present rules of the Senate, particularly the history and purpose of the Senate expressed in the Federalist Papers by the people who were advising the States at that point, the colonies, to approve the Constitution.

To many people, this subject, no doubt, seems arcane and confusing. The simplistic explanation we get from the other side of the aisle—and it is a steady drumbeat—is that Republicans are filibustering everything just willy-nilly; thereby, grinding the Senate to a halt.

Various vague and nefarious motivations are suggested as to why Republicans would do such a thing, but the point they want Americans to take away is that Republicans are abusing the filibuster. This message has been repeated ad nauseam by Democrats in the hope it will sink into the public's consciousness by rote. In fact, the story goes that Republicans have so abused the filibuster, the Democrats have no choice but to take it away, even if it means violating the Senate rules in order to change the rules. Can you imagine a political party saying it is OK to ignore the rules or to change the rules?

In order to discuss this topic, it is very important to establish what we mean by the word ''filibuster'' and how it fits into how the Senate operates today and has operated historically. I hope everyone will bear with me as we try to understand this because I ultimately want to get down to how the proposed changes to the Senate rules threaten the very principle underlying our system of government, particularly the checks and balances within our system of government.

First, I have a legitimate question: What is a filibuster? We talk about it so much that we would think it referred to a very specific activity that is easily understood by everyone. It can actually refer to different types of activities. Of course, this leads to confusion, and that confusion is reflected in some of the speeches from colleagues on the other side of the aisle, intentionally or not.

When most Americans think of a filibuster, they probably think of Jimmy Stewart in the classic film ''Mr. SMITH Goes to Washington,'' standing and talking without stopping for an extended period of time to delay proceedings and to take a lot of theater just to make a point. This is the classic understanding of a filibuster. Unless all Senators have agreed to waive Senate rules, it is a fact that a Senator who has been recognized to speak may retain the floor as long as he continues to speak. This is the basis in the Senate rules for a classic filibuster, but this is not the rule some Democrats want to change.

When the Members of the majority party complain about how many filibusters the Republicans have engaged in, they actually mean how many times the Senate has voted on a motion to bring debate to a close, and that motion is called the cloture motion. When debate comes to an end, it also means no more opportunities for amendments. If Republicans don't agree to end debate and force a final vote when the majority leader decides we should end debate and vote, he calls that a filibuster. In fact, even when every single Republican votes in favor of ending debate, he still calls it a filibuster. It ends up in those statistics that add up to numbers that are not very intellectually honest. Think of Republicans voting in favor of ending debate and it is still called a filibuster.

We just voted a day or two ago, 93 to 0, to end debate on the Defense authorization bill. Is he still going to call that a filibuster as well? How can he accuse Republicans of filibustering when he is the one who made the cloture motion? This is a key point. When the Democrats talk about Republicans launching a filibuster, it is important to note it is the Senate majority leader who almost exclusively makes the motion to invoke cloture. I understand it takes a petition of 16, but not very many Senators I know ever initiate such a petition unless the Republican leader, when we are in the majority, or the Democratic leader, when they are in the majority, provoked that. This means the number the majority leader is so fond of quoting as a number of so-called Republican filibusters is the number of times he has attempted to shut down debate and block further amendments from being considered. Again, we are talking about a process launched by the majority leader intended to shut off debate and amendments, not some process initiated by Republicans.

If every time the majority leader made the motion to close debate we had been considering a bill for days or weeks with dozens of amendments and no end in sight, then there is a legitimacy to such a decision by the majority leader in the petition for cloture. He might then have a point. However, the recent history of the Senate cloture votes tells an entirely different story.

The majority leader has filed a motion to cut off debate in the same day a bill has been taken up over 220 times since he became majority leader. How can this be justified, considering the history of the Senate and given that it is a deliberative body? He certainly cannot claim Republicans are delaying action with excessive debate when he moves to cut off debate before that debate has ever begun. As I said, by forcing a final vote, a cloture motion also ultimately cuts off the amendments.

The right of a Senator to offer an amendment for consideration has been enshrined in the Senate rules from the very beginning. It is true that about half the cloture votes I cited were on the motion to proceed to consider a bill which is before the stage where amendments can be offered. I will say more on that point later. However, the majority leader has moved to cut off debate on amendments on a measure other than the motion to proceed over 100 times. In my judgment, he can hardly claim Republicans forced his hand by offering too many amendments when few, if any, amendments have even been considered when he attempts to cut off amendments.

What is more, the majority leader has consistently used the tactic called filling the tree, where he offers blocker amendments that block any other Senator from offering their own amendments unless the majority leader or somebody speaking for him agrees to set aside a blocker amendment so the other Senator can offer an amendment. This way he is able to get in line first to put his blocker amendments in place

because of a tradition that the majority leader has priority to be recognized by the Presiding Officer. This doesn't happen to appear anyplace in the rules. In fact, the rules make very clear that whatever Senator seeks recognition first should be recognized and that any Senator has a right to offer an amendment. This so-called filling the tree tactic was relatively rare before Senator REID became majority leader, but he has made it routine.

Technically, some germane amendments can be considered during a short window after cloture has been invoked and before final vote. But by using the blocker amendment tactic, along with a motion to invoke cloture, the majority leader can block any Senator from offering any amendment while shutting off debate. That means the Senate would take a final vote on a bill without a single amendment having been offered.

The abuse of this tactic is at the heart of the Senate's current gridlock. This is confirmed by a chart—and I don't have a copy of this chart with me—published with a recent New York Times article. Here is what the caption said:

> The use of filibusters has risen since the 1970s, especially when Republicans have been in the Senate minority.

That would tend to blame Republicans, but listen to the rest of this quote.

> But the most recent spike of Republican filibusters has coincided with the Democrats' unprecedented moves to limit amendments on the Senate floor.

This doesn't even tell the whole story because much of the time the Senate majority leader doesn't have to actually use his amendment-blocking tactics. He simply informs Republicans he will block amendments or refuses to commit to allow Republican amendments before making the motion to consider a bill. In this all-too-common scenario, the majority leader tells the Republicans he intends to move to consider a bill and will immediately move to cut off debate on that motion. By the way, if we do vote to take up this bill, we will not be allowed to offer any amendments. So that kind of puts everybody on this side of the aisle in a take-it-or-leave-it situation. Why on Earth would Republicans take that deal and vote for cloture on proceeding to a bill on which we are told we will be allowed no input, contrary to the deliberative tradition of the Senate?

Just to be clear, some Democrats have proposed eliminating the filibuster entirely. Others have proposals to limit it in various ways. Majority Leader REID wants to start by eliminating it on the motion to proceed. But as we have seen, the real problem is the way Republicans have been blocked from participating in the process. If we are looking to reform how the Senate operates, maybe we ought to start by considering doing away with the tradition that the majority leader can block amendments. That is something which is already contrary to the letter of the Senate rules.

Again, there is no doubt that the Senate is not functioning properly. However, the complaints I hear from Iowans are not that the Senate is considering too many amendments and working too hard to make sure the legislation we pass is worded properly. In fact, I hear quite the opposite. A great many Iowans have told me they are not happy with legislation being rammed through the Congress without their elected representatives even having an opportunity to read it. If Members of Congress don't have a chance to read a bill, we can bet the American public doesn't have a chance to understand it. I suppose that is fine if we believe we should pass a bill first and let the American people find out what is in it later, as Speaker PELOSI once famously suggested about the health care reform bill. We have to pass it, she said, and then we will find out what is in it. And then there is a rude awakening that now in this 2,700-page health care reform bill, we are finding out there are a lot of bad things in it, a lot of bad things that we warned the public about and warned the Democrats about as well. However, if one thinks, as I do, that we should be listening to those who elect us, one would have to conclude that a more deliberative process is needed, not less.

The rules of the House allow for quick consideration of legislation, but the Senate is supposed to be different and historically has been different. When the majority leader says the Senate is not operating efficiently, he means we are not approving the legislation he wants on the timetable he demands. The simple historical fact is the Senate is not designed for that kind of efficiency. However, for a period after the 2008 elections, the Democrats had 60 Members in the Senate. That is enough votes to shut off debate and amendments without a single Republican cooperating. Naturally, the majority party couldn't resist the temptation and shut Republican voices out of every aspect of the legislative process because they had the votes to do it. Not only did they use their supermajority to prevent Republican amendments on the floor of the Senate, but since they didn't need Republican votes to pass a bill, they cut us out of the process of developing the legislation.

In my experience as a former chairman and now ranking member, some of the best examples of bipartisanship happen at the committee level. The Senate committees are where Senators of both parties often work in a bipartisan way to delve into the details of the legislation and iron out imperfections. This is how most bills are supposed to be handled.

I often tell people who are cynical about all the partisanship they see on TV that there is a lot of bipartisan work that goes on that they never see because only controversial things get on television. When a committee process is working and the Democrats and Republicans are working together to get a bill and everything is going smoothly, no journalist is going to pay any attention to that. But that goes on in the committee process, and that process can be dry and it can be technical. Senators of both parties sitting around a table discussing where to place a comma doesn't make the breaking-news alerts. Nevertheless, the committees are where much of the hard bipartisan work of the Senate is done.

In recent years the Democratic leaders prefer to write bills behind closed doors without Republican input. I suppose the health care reform bill is the best example of that, but there are others as well. They have then used a parliamentary trick to bring them right to the Senate floor. I suppose I shouldn't use the words ''parliamentary trick'' because there is a rule XIV, but that bypasses the usual committee process where we build consensus between the political parties. If Republicans are shut out of having any significant input on the front end and are blocked from having any amendments on the back end, is it any wonder we don't vote for the majority leader's motion to cut off debate?

Despite the bad blood caused by the tactics I have described, I had hoped and believed that after the 2010 elections, things would be different. When Americans elected Republicans to a sizeable majority in the House of Representatives—larger than any election since 1938—and at the same time enlarged our representation in the Senate to 47 Members, I thought the majority party would recognize that they had to work with Republicans. With 47 Members, it was no longer possible under the Senate rules for the majority party to shut Republicans out of the legislative process and still expect to ram their agenda through. So I naturally assumed the Senate would resume its usual tradition of bipartisan cooperation involving open debate and amendments from both sides—in other words, the way the Senate had historically functioned.

The majority leader didn't see it that way and continued to shut Republicans out of the process. In fact, if he had allowed an open debate and amendment process on many of the bills he sought to bring up, we could have gotten a lot more accomplished than we have. One week in June last year, we passed four controversial pieces of legislation because that process worked. It involved Republicans seeking things. But most of the time that doesn't happen. Sure, it would have taken more time under that amendment process and the deliberative process to consider each bill than the majority leader might have preferred to be given to it. He and his caucus might also have had to vote on Republican proposals instead of only legislation of his choosing. But is there anything wrong with a Republican offering an amendment now and then,

even if that amendment loses? Some Republican amendments might have embarrassed Democrats by forcing them to vote on issues they would rather avoid. Is there anything wrong with voting on some tough issues from time to time? Some Republican amendments might have attracted enough Democratic votes to actually pass. Perhaps that is exactly what the majority leader might want to avoid. He seems to want total control over the agenda. Majority Leader REID has said as much in private. He told Senator MCCAIN flatout that ''the amendment days are over.'' How can he say that?

There is a longstanding tradition here in the Senate that all voices be heard and that amendments get full hearing regardless of the party of the sponsor. For example, tax and trade policies aren't exactly areas of natural agreement between the two parties. Despite that fact, when I was chairman of the Senate Finance Committee, I helped put together several bipartisan bills. I, a Republican, worked in partnership with Senator BAUCUS, a Democrat, to produce bipartisan bills that we could both live with. Even when we were starting with a bipartisan bill, Senator BAUCUS wanted to make sure his fellow Democrats had a chance to offer amendments, and I respected that, and if he were chairman, he would have respected that for us Republicans. It took a lot of time and effort, but that is what we have to do in the Senate if we actually want to get something done rather than simply blame the other side if we fail.

The Senate has been called the greatest deliberative body in the world because it was specifically designed to proceed at a measured pace and guarantee that the rights of the minority party are protected from what political philosophers called the ''tyranny of the majority.''

In 1788, the father of the Constitution, James Madison, wrote in Federalist Paper No. 10:

> Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.

In 1788 James Madison was warning us about the superior force of an overbearing majority, the reason the Senate was set up to make sure the overbearing majority of the other body, where the majority rules, didn't do stupid things.

Those arguing for abolishing the filibuster sometimes talk about majority rule as though this is some fundamental principle. On the contrary, the aim of our Constitution is to protect the individual rights of all Americans, not the right of the majority to impose its will on an unwilling minority. In fact, James Madison was very concerned about what he called factions gathering together to impose their will on others. So I wish to quote again from Federalist No. 10. Before I start that quote, let me say for the benefit of people that I think when he used the word ''faction,'' for the most part he was speaking about political parties.

> If a faction consists of less than a majority, relief is supplied by the Republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution.
>
> When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens.
>
> To secure the public good and private rights against the dangers of such a faction, and at the same time preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed.

That was a long quote, so let me say that in other words, Madison is saying that an important goal of the U.S. Constitution is to protect ''the public good and the private rights'' from a temporary majority trying to impose its will on the minority. This is evidenced throughout the Constitution. We call it checks and balances. We see it in the separation of powers between the three branches of government, and we see it in our system of federalism dividing power between States and the Federal Government. It also helps explain our bicameral legislative branch, and, of course, what I am talking about here is the unique structure of the Senate.

In Federalist No. 62, also usually attributed to the father of the Constitution, James Madison, he explains:

> The necessity of a Senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.
>
> Examples of this subject might be cited without number; and from proceedings within the United States, as well as from the history of other nations.

Madison wrote that in 1788, but it is still applicable in 2012.

So kind of repeating, the purpose of the Senate is to save us from ''the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.''

There is a place for the passions of the moment in any republican form of government or any democratic society, and that place for the passions of the moment to be reflected is in our House of Representatives. But imagine if our only legislative body were the House of Representatives. Right now, that would mean Speaker BOEHNER would control the entire legislative agenda, and the priorities of the House Republicans would be the only legislation that would have a chance of passing.

Then, once the Democrats gained control in some future election, Republicans would have virtually no ability to have their views considered.

This is a teeter-totter approach to governing. This teeter-totter would not lead to thoughtful legislation that protects individual rights and balances the views of all Americans.

You will also note that Madison references examples from proceedings within the United States at that particular time. Many State legislatures in the early days of our Republic were unicameral, with frequent elections and also with weak executives. This led to many instances where a temporary majority faction would gain control and quickly pass legislation that advantaged the majority at the expense of the minority.

It is also the case that the Congress, under the Articles of Confederation, was unicameral, which caused a lot of instability as described, again, by Madison in Federalist 62:

> Every new election in the States is found to change one-half of the representatives.
>
> From this change of men must proceed a change of opinions; and from a change of opinions, a change of measures.
>
> But a continual change even of good measures is inconsistent with every rule of prudence and every prospect of success.
>
> The remark is verified in private life, and becomes more just, as well as more important, in national transactions.

The staggering of the terms of Senators was partly done to provide stability, preventing temporary majorities from acting hastily and trampling on the rights of the minority.

Only one-third of the Senators are up for reelection every 2 years, unlike the House of Representatives, where all Members are up for reelection every 2 years. Because only one-third of the Senators are up for reelection at once, it is less likely that one party can sweep the election and gain control of the entire legislative branch of government in one election. Here we see how the Senate was specifically designed to prevent the tyranny of the majority.

In Federalist Paper 66, Madison, the father of the Constitution, continues his explanation of the unique role of the Senate—the unique role of the Senate—

> . . . there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn.
>
> In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind?

Now, I want you to contrast—with these quotes from Madison—the role the father of our Constitution says the Senate is intended to play to the present debate going on in the Senate that the rules ought to be changed and the majority leader's vision for how a newly altered Senate would operate.

One faction, the Democratic Party, would be able to ram through massive pieces of legislation with little or no input from duly elected Senators who happen to be from another political party. And what if Republicans are not happy with being shut out of the legislative process at every stage? Well, the majority leader explained to one freshman Republican Senator: ''You can always vote against the bill.''

Not only does this take-it-or-leave-it approach effectively disenfranchise all those Americans who elected Senators from the minority party to represent their views, it also leads to poorly thought out legislation. Since the proposed changes to the Senate rules would make the body more like the House of Representatives, let's take another look at how that Chamber operates.

Although the House is designed to reflect the will of the current majority, the trend toward the majority party shutting out the minority party in that body has increased over time. Some people trace this trend to the last decade of the 19th century when the Speaker of the House was a man named Thomas Brackett Reed.

Then-Speaker Reed strengthened the power of the Speaker of the House of Representatives and sought to diminish the rights of the minority party. He once used his position to unilaterally change the interpretation of the quorum rule to prevent Members of the minority party from blocking a measure by refusing to vote in a quorum call. This incident was called the ''Battle of the Reed Rules.''

Then-Speaker Reed famously said: ''The best system is to have one party govern and the other party watch.'' This attitude earned that Speaker of the House, whose name was Reed—they called him Czar Reed.

Do we really want another ''Battle of the Reed Rules'' like we had over a century ago in the House of Representatives? Wouldn't that be going backwards?

Ironically, the House of Representatives under Speaker BOEHNER has actually allowed more opportunity for the minority party to affect legislation than the current Senate majority leader. Senate Minority Leader MCCONNELL has cited data from the Congressional Research Service showing that the Democrat minority party in the House has had 214 occasions to affect legislation this year compared to only 67 for the Republican minority in the Senate.

When the House of Representatives allows for more input from the minority party than the Senate, which is supposed to be the deliberative body, it seems to me something is very wrong.

It is true that the cloture rule and the various different procedures that are called filibusters are not found in the Constitution. But changes to the Senate rules that some in the Democratic caucus are proposing would fundamentally transform the character of the Senate in a way that the Founders never intended and best expressed by James Madison.

The proposed gutting of the Senate's historic rules and traditions threatens to replace the principle of the rights of the minority, so important to James Madison and our other Founders, with a new principle that the might of the majority makes right. The fact that the majority leader is contemplating doing so on a partisan basis by ignoring existing Senate rules is outrageous. Can you imagine ignoring the rules to change the rules?

I know this unprecedented power grab makes even Democratic Senators uneasy. Other Democrats who find this proposal tempting and who have not yet served in the minority will find they have a rude awakening once they have to live under the new regime they might help create.

To all my colleagues who might be inclined to support this fundamental transformation of the Senate, I will repeat once more Madison's warning about temporary majorities in the heat of passion enacting legislation: '' . . . measures which they themselves will afterwards be the most ready to lament and condemn.''

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

THE FARM BILL

Ms. KLOBUCHAR. Madam President, I am here today to talk about the need for action on a 5-year farm bill for our farmers and our rural communities. The Senator from Iowa, who just spoke, understands how important this farm bill is. I know the Acting President pro tempore, from the State of New York, understands how important this farm bill is.

This summer, farmers in the Corn Belt of our country waited, sometimes in vain, for rain that could either make or break an entire year of work. Many of them lost their entire crop.

This fall, sugar beet farmers along the Red River Valley in Minnesota and North Dakota waited for dry weather because they needed that to pull out the last of their crop. And right now, at this very moment, farmers, ranchers, and rural communities throughout the country continue to wait. But this time they are not waiting for weather. They are not recovering from weather. They are waiting for a new farm bill. In fact, they have waited 167 days since the Senate passed the bipartisan farm bill this June, and they have waited 66 days since the 2008 farm bill expired in September.

Unlike the drought this summer and the hurricane that hit the State of the Acting President pro tempore this fall, the failure to complete a farm bill is entirely preventable. Inaction in the House of Representatives is hurting farmers right now. Without a new farm bill, dairy farmers have lost their safety net. In fact, prices may go to the 1939 levels. Talk about moving backward; that is what will happen if we do not get this farm bill done.

Livestock producers operate without key disaster programs without this farm bill, and farmers and rural communities are left guessing about what rules they will operate under as they plan next year's crop.

These are not small things. What kind of crop insurance are they going to be qualified for? Is there going to be some kind of safety net? They have absolutely no idea because we wait and we wait and we wait for the House of Representatives to act. They did pass a farm bill through their committee. I liked ours better, but they got it through the committee. But guess what. They have not been able to bring it to the floor for a vote, and our farmers and our ranchers and our people in our rural communities wait, and they wait, and they wait.

I believe there are good reasons we can finish the farm bill this year. There is already a path forward to complete work on a farm bill and have it signed by the President at the end of this year. The farm bill passed in the Senate, as we all know. It passed with strong bipartisan support. It was approved by a vote of 64 to 35. Thanks to Chairman STABENOW's leadership and the leadership of Ranking Member ROBERTS, we were able to get this bill through. We voted on nearly 80 amendments. We did our job in the Senate.

The Senate farm bill saves money. It would reduce the deficit by $23 billion over the next 10 years. That is a savings over the last farm bill. The Senate farm bill also makes major reforms, such as eliminating direct payments and further focusing farm payments on our family farmers.

It extends disaster programs for livestock producers and it continues credit provisions to help our farmers get through tough times. It creates a public-private partnership to fund agricultural research to give farmers the tools they need to stay competitive and feed a growing world.

When Bill Gates comes and talks to me about the farm bill, you know this farm bill is more than just about some farmers in Minnesota. It is about feeding our country, it is about feeding the world, it is about the research we need to do to make sure we have the most efficient crops; that we are developing crops and we are developing livestock and varieties of crops and farm products that can feed the world.

This farm bill works to eliminate fraud and waste throughout the farm bill to ensure these programs are efficient and targeted. Passing this farm bill is important, and that is why 235 agriculture, conservation, research, and energy organizations signed a letter this November to leadership in the House urging that they pass a farm bill before the end of the year.

Our farmers and agricultural communities understand that tough budgetary choices need to be made. That is why the Senate Agriculture Committee actually came forward and said: OK, we

are going to find a way to do this very differently. We are going to eliminate direct payments, and we are going to strengthen our crop insurance. We are going to still make sure we maintain our nutrition programs—something for which the Acting President pro tempore fought so hard as a Senator from New York—and we also made sure there were incredibly strong conservation programs in the bill, but we still found a way to cut $23 billion.

I am also opposed to playing red light-green light with agriculture policy which prevents our farmers and ranchers from making long-term capital investments that help them remain competitive in today's marketplace.

Ms. KLOBUCHAR. It might be easy to forget as we sit in this Chamber all that goes into growing the most abundant, safest food supply in the world. But when I travel across our State, I am impressed by the work and planning that goes into making each farm and ranch operate in the face of market failures, in the face of natural disasters, in the face of volatile weather. Well, guess what. This is the time when that planning goes on. It goes on right now.

Anyone who learned in kindergarten about how we plant crops and how we get things done knows that the fall and winter is the time when you plan ahead, and then you plant your crops, then you move ahead, and then pretty soon you are harvesting them. Well, they need to know what the rules of the game are to get this done.

Each year family farmers make tough decisions about which crops to plant, what equipment to purchase, and when to market their crops. Congress should be no less committed to completing work on the farm bill, which provides the safety net and certainty for farmers, for ranchers, for rural communities. The stakes are high for Minnesota. Agriculture is our State's leading export, accounting for $75 billion in economic activity every year and supporting more than 300,000 jobs.

Minnesota is No. 3 in the country for hogs and soybeans. It is also home to pork processors and biodiesel plants. Minnesota is No. 4 in corn, and it is also home to 21 ethanol plants that produce over 1 billion gallons of ethanol every single year. We are No. 1 for sugar beets, we are No. 1 for sweet corn.

But as we all know, this is not just an issue in our State. Our Nation's farms and ranches are responsible for a $42 billion trade surplus. This is one of the jewels of our economy and our country. We actually are making things, producing things, and exporting to the world. Why would we want to pull the rug from underneath one of our most promising and successful exporting industries in this country? And that is the business of farming.

This is so promising. We are already doing well. We can even do better. With the critical role farming plays in our country's economy, there is no excuse to further delay the consideration of the farm bill. Agriculture is a bright spot in our economy. We cannot jeopardize the economic future of rural America and of our entire country just to score political points over in the House.

I continue to believe that the carefully crafted bill we did in the Senate finds a good balance between a number of priorities. I urge the House of Representatives to complete work, to work with the Senate, so we can make sure as we come to the year end we have a major deal which we must have on the fiscal cliff, that we also include the farm bill, because with the farm bill we save $23 billion over what we have been spending in the last few years. So let's get to work and get this done.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

THE FISCAL CLIFF

Mr. REED. Madam President, we all recognize the country faces many challenges. Too many of our neighbors are still looking for work, and too often those with a job have not seen a raise in quite some time. Indeed, for many years people in Rhode Island and across the country have a growing sense that there is too much focus on the powerful few and not on the average family playing by the rules.

A quality higher education seems more unaffordable each year. Working men and women do not often feel the government understands their struggles and the need to move the country forward. They also want us to begin to balance the books, just as we did under President Clinton, with a sensible balanced approach, one that led to increasing wages across the board, increasing productivity, increasing employment, and a budget surplus before George W. Bush's policies took over.

Last year we took a step in balancing the books. We cut $1 trillion of Federal spending. We do not hear much about it, particularly from the other side of the aisle. But what it means is that every discretionary program will see less funding for the next decade, which will have a huge impact on my State and every State in the country.

If we are going to cut spending on education, research, and transportation to the tune of approximately $1 trillion, I think most Americans recognize that the other side of the equation has to be considered. Revenue needs to be part of a balanced plan to reduce the debt. The simple fact of the matter is that virtually every expert panel and commentator has said clearly that in order to reduce the deficit to a sustainable level, revenues have to go up. It is a matter of arithmetic. So the question that presents itself to us is, where does the revenue come from? I believe at the end of the day, the President's plan to continue to provide tax breaks for 98 percent of all Americans and let tax rates for the wealthiest return to the Clinton-era levels is about as fair a proposal as is possible at the moment. First, it recognizes that the middle class should not be the one on the chopping block where there are other options. Second, it asks those making more than a quarter of a million dollars to return to the same top rates we had for most of the 1990s. Third, it cuts everyone's taxes on the first quarter of a million dollars that you make.

What is sometimes lost in this debate is because of our progressive tax system, there will be no changes to the tax rates on income up to $250,000. The benefits of those tax cuts which were enacted in the early decades of the 2000s will still be there for 98 percent of Americans, and they will still be there for those paying additional revenue because of the reversal of the top two upper income tax rates. Yet our Republican colleagues in the House seem to have adopted a posture of obstruction and holding the middle class hostage in order to preserve nearly $1 trillion in tax cuts for the top 2 percent of Americans. If we do not extend these tax cuts for the middle class as the President has proposed, the typical Rhode Island family of four could see their taxes raised by an average of $2,200 in the year 2013. This would be a setback for our very fragile economic recovery. It is simply not fair to have these middle-income Rhode Islanders who are trying to make ends meet in this economy be further subject to a tax increase.

I think I listen pretty well to my colleagues on the other side of the aisle. It seems they agree that, yes, these taxes should not go up on 98 percent of Americans. Indeed, in July they dropped their filibuster, enabling the Senate to pass the Middle Class Tax Cut Act. The bill prevents taxes from going up on 98 percent of Americans and 97 percent of small businesses, and would cut the deficit by nearly $1 trillion.

As I mentioned, if the House does not pass this bill, middle-class families will see their taxes go up by an average of about $2,200. All the House has to do—and they can do it very quickly under their procedures—is take up the Senate-passed bill and pass it. We will put a significant downpayment on deficit reduction. We will provide certainty to 98 percent of Americans that their taxes will remain the same, and we can get onto other sensible appropriate reductions and expenditures and move the Nation forward.

It is heartening to hear some Republicans in the House such as TOM COLE of Oklahoma and MIKE SIMPSON of Idaho talk about accepting this commonsense approach and locking in these tax rates for middle-income

Americans. Indeed, if the House, as I suggested, had an up-or-down vote on the Senate bill, I would suspect there would be enough Republicans willing to join the House Democrats in passing a tax cut for 98 percent of Americans and giving the business community the certainty it needs. Unfortunately, we have yet to see an indication from Speaker BOEHNER that he will let the Senate approved middle-class tax cut legislation have an up-or-down vote—despite the fact that by passing this bill every American, including the wealthiest, will get a tax break on the first quarter of a million dollars of income, and the Tax Code would become a bit fairer.

I am worried that there are too many on the other side of the aisle who are willing to let taxes increase on the middle class in order to stop the top two marginal tax rates from returning to Clinton-era levels for the wealthiest 2 percent of Americans. That, to me, is unfair. Indeed, it is an uncalled-for imposition on the vast majority of Americans.

Republicans would jeopardize our economic recovery by creating uncertainty around letting these tax provisions lapse for all Americans. It could hamper demand, restrict commerce, and impede recovery at a time when our economy is making fragile gains. Indeed, it would be similar to what we are seeing in other parts of the world, where austerity measures in Europe have already caused many of their economies to slip back into recession.

We can't do that. We have got to provide both confidence and the resources for consumers to go into the marketplace and continue to strengthen our recovery. And I would hope to accelerate this recovery because we need more demand, more jobs, more activity, not less.

Unfortunately, the record of some of our colleagues on the other side has suggested that when it comes to making difficult decisions on behalf of the majority of Americans they balk. I have seen in this Congress—the other side threaten a government shutdown and the other side seriously consider defaulting on the debts of the United States. I have seen threats to end unemployment insurance, which would harm our economy and tremendously disadvantage so many Americans who are looking for work. I am hopeful the House of Representatives can respond both thoughtfully and decisively by passing the legislation the Senate has already passed and continue the tax cuts for middle-income Americans while beginning to raise revenues from those who are the wealthiest amongst us.

In the spring of 2011, we were faced with the possibility of a government shutdown. In the summer of that same year, we were faced with the issue of the debt ceiling and government default. All of these attempts to disrupt and undercut the process of government had costs, real costs to our economy, real costs to our sense and the sense of the American people that we are effectively able to manage their affairs, for the welfare not of the very few but for all Americans.

Republicans have also blocked the American Jobs Act. A plan that analysts predicted would lead to the creation of nearly 2 million jobs—and at a time when those new jobs were and still urgently needed. Now with the accumulation of all these different threats to our economy, all these different dramatic moments, we are looking at automatic increases in taxes if the Middle Class Tax Cut Act is not adopted. Failure to pass the bill could severely impede or even reverse the economic recovery we have seen to date. And again, this economic recovery is not as strong as we want to see it, but it is heading at least in a positive direction.

We have to move forward decisively, with a balanced approach to ensure that the vast majority of Americans do not see their taxes go up. And that revenue is raised from those who are most able to afford it.

The President has been very clear that he will be strong in resisting overtures to extend the tax benefits for the wealthiest two percent of Americans. The American people agree. They reelected him and they consistently, in just about every type of public survey, support his proposal.

Unfortunately, the Republican leadership in the House of Representatives are out of step and out of tune with the American public.

Speaker BOEHNER has not proposed a sensible, balanced approach that mixes revenues and expenditure reductions. Instead, he once again raises the spectre of cuts to Medicare and Social Security benefits. That is not the approach we have to take.

What we can do, what we should do, what we must do is simply ask the House of Representatives to take up what we have already passed here in the Senate, the Middle Class Tax Cut Act, immediately. That would provide the breakthrough we need to go forward, to continue to build on our economic recovery, and continue to respond to the legitimate needs of men and women all across this country. I hope House Republicans do that. I know I will be here, along with my colleagues, urging them to do that as quickly as possible.

Madam President, I ask unanimous consent that the remaining time under Democratic control be allocated as follows: Senator BOXER for 15 minutes, Senator CASEY for 10 minutes, and Senator SCHUMER for 5 minutes.

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

Mr. REED. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I think we are trying to make the case here today that there is a very easy way for us to climb down from this fiscal cliff. The Senate already passed a bill that would extend tax cuts to 98 percent of the American people and the House will not take it up. This will mean, over 10 years, about $1 trillion in savings, and it won't hurt the millionaires and billionaires. They have told us that over and over.

This is when the Senate passed the middle-class tax cuts, July 25, 2012. The Republicans over in the House have been sitting on it. They didn't do anything in July, August, September, October, November, and December. Here we are 6 months later and they refuse to allow a vote on this for reasons that go to their internal disputes.

It is time for them to put country over party. It is time for them to put country over their ideological battles. That was a mouthful. I am going to try it again. It is time for them to put country over their ideological battles. It is time for them to make a decision that favors the American people.

I served in the House for 10 proud years. It was wonderful, fascinating, interesting. I served there when Tip O'Neill was the Speaker of the House. Tip O'Neill understood the magic of 218.

What do I mean by that? The magic of 218 was finding 218 votes to get something done. Tip didn't care if he got it from a liberal, from a conservative, from a moderate, from an independent, from a whacko. It didn't matter. He didn't care who you were, what you were, if you thought you were great or bright or not. He had to put together 218 for the good of the country, and he did it when Ronald Reagan was President. He did it when there was a President who had different views from his own, and they worked together for the good of the country.

I look over at the House, and I don't know what I see. There are a few brave voices there speaking out and saying let us do this, let us extend the middle-class tax cuts. But let me tell you, we have 27 days left to do this before people start facing higher taxes. On average, it is $2,200 a family, and that is a lot of money for a middle-class family.

I want to be completely honest here and bring up an issue, which is that I never voted for the Bush-era tax cuts—I was one of the few in the minority—because I worried that it would destroy our fiscal responsibility. I hate to say it now: I was right. I was right.

There were surpluses that Bill Clinton left us. But because George W. Bush went in front of the microphone and said, I have political capital, I am going to cut everybody's taxes, he then put two wars on the credit card, and that was the end of surpluses. We went into deficits, deficits as far as the eye could see, deeper and deeper in debt. So you might ask then, Senator BOXER, why are you now supporting those tax cuts being renewed for 98 percent of the people? The answer is it is a different time and a different place. We are getting out of a recession. We can make

up the monies we need to balance this budget by going just to the top rate, going to the people over $250,000.

Remember, this plan that we passed in July gives a tax break on the first $250,000 of income, in essence giving everybody a break on that first $250,000. It is only after that that the taxes go back to the Clinton era. Because this is a different time and place, I support giving a tax break, continuing it, for 98 percent, but asking the wealthiest to pay their fair share for the greatest country on the face of this Earth.

My father was born into dire poverty. He was the only one of nine children born in America. He was the only one of nine children to go to college at night in your great State, City College, at night, while he supported a family by day. He became a CPA. After he got his bachelor's, he went at night to a place called Brooklyn Law School, where he got his law degree in 5 years. I was about 10. This is America. He was able to do that.

When he was a CPA, he would oversee everybody's taxes in the family. I was a kid and I got my first job working for a long time when I was a telephone operator for Hilton Hotels one summer. I will never forget it. I was not good at it. I kept putting those wires into the wrong places, but I managed to get through. When I got my first paycheck, I went to my dad, as I was earning minimum wage—I think it was 75 cents an hour, I don't know. I know I am dating myself here. It is okay. I said, ''Dad, why is it I have to pay a whole bunch of money somewhere else, to the government?'' He said, ''Well, we all, when we earn money, pay taxes. If at the end of the year we pay too much, we get a refund.''

But he said, ''Honey, I want to tell you something. You are so fortunate and blessed to be a citizen of the United States of America. I know people will laugh at you when you say this, but people who live here, who work here and have the privilege of that freedom and the privilege to grab the dream, they should kiss the ground of this country every time they pay taxes.''

I once said that on the campaign trail, and I got booed. They said, She is telling us to kiss the ground of America when we pay taxes? That was how my father felt.

Clearly, he also believed in a progressive tax system. He was a smart man, and he believed that those at the bottom end shouldn't pay anything at all and, as you go up, you pay a little more.

That is what President Obama ran on. We had a huge election for the Senate where the Democrats picked up seats. A race for the Presidency that was supposed to be Governor Romney's, according to his people, was President Obama's. This was mainly because President Obama stood up for the middle class and said, When it comes to taxes, we all have to pay our fair share, no more, no less.

When you tell your friends the President wants to give a tax cut, tell them also it is being held up by the Republicans in Congress who are sitting on a bill that passed the Senate on July 25, 2012, where 98 percent of the American people will get their tax break continued and only income over $250,000 will be taxed at the same rate when Bill Clinton was President.

Let's take a look back at those days. Were they harsh for people? No. We had more millionaires created, I remember in those days, than we had in generations. You know why? Because the middle class is strong—and President Clinton invested in the middle class; he invested in our people—they get good jobs, they pay enough taxes, they go to the mall, they take a trip across the country to see all the great landmarks, and people across this country who have businesses do well also. That is why we see so many businesspeople, including small businesspeople, standing at President Obama's side saying it is good for business to give the middle class their tax breaks.

What are these Republicans thinking over there? If we are having an argument, and I tell you I will give you 98 percent of what you want and you walk away from me, I say you are unreasonable. Who gets 98 percent of what they want? No one. In an argument, usually we meet each other halfway—50–50. We are giving the Republicans 98 percent of what they want on the tax cuts, but they are holding the 98 percent hostage for their friends, the Koch brothers, Sheldon Adelson—the billionaires. That is wrong, and we had an election about it.

This is a country of, by, and for the people, not of, by, and for the billionaires. I am going to say to my Republican friends—and they are my friends; I have served with them for a long time, I have worked with them—what are you thinking? What are you doing?

Let me talk about one of the things they offered in their package. This is outrageous. They want to raise the eligibility age of Medicare by 2 years. I cannot tell you how many people come up to me—and it shocks me when I hear it—and say: I am praying for my 65th birthday so I can get on Medicare because I have no insurance. There is a huge number of people uninsured between the ages of 55 and 65. So this is their Christmas present? This is the happy holiday gift from Speaker BOEHNER?

In the Speaker's tax package, not only is he giving the tax break to the wealthiest, he is even cutting their taxes further but paying for it by raising the Medicare age. What does that do? It is surprising just how bad it is. When we raise the age of Medicare from 65 to 67, ipso facto, 300,000 senior citizens go uninsured. Merry Christmas to all. It would increase the cost to businesses by $4.5 billion because they have to keep people on their plans. Merry Christmas to you, too, businesspeople. It will increase the out-of-pocket costs for those between 65 and 66 by $3.7 billion. It would increase costs to the States by $700 million, and millions—millions—would pay an average of $2,200 more for their health care.

I will use every tool at my disposal to prevent the destruction of Medicare. What kind of counterproposal is that? It takes my breath away the pain that would be felt if this went through. I can't help remembering—and I am sure the Chair remembers as well—the attack leveled by Representative PAUL RYAN, who was the Republican nominee for Vice President—he is chairman of the House Budget Committee—against President Obama for ''cutting'' $700 billion out of Medicare, when, in fact, the President got savings from people who were cheaters—the providers who were ripping off Medicare—and then put it back into Medicare and extended the life of the program by 8 years.

These are the same people who ran ads against Democrats—maybe they did it to the Chair as well, I don't know—all across the country saying Democrats voted to cut Medicare. These same people who were crying these bitter tears are now suggesting destroying Medicare as we know it. I can't believe it. I truly can't believe it. I wonder whom they fight for? That is the basic question. Why are they here? Whom do they fight for? Do they fight for the middle class? I believe we do on our side of the aisle. I believe President Obama does.

I believe, if we look at the tax package that came over from Speaker BOEHNER and all the cuts to Medicare—and by the way, the Presiding Officer is a leader in protecting children—we will see there are cuts to child nutrition in there, major cuts. I have to say: Why do they have to cut food to poor kids? Why do they have to kick people out of Medicare? Their answer is, if they were honest, to protect the billionaires and the millionaires. Because that is what it is about. We know it. It is a fact in evidence.

I believe we owe more to the American people. We need to find a way back to the fiscal responsibility and the economic growth we had when Bill Clinton was President. I have served with five Presidents already—it is amazing—in my time in this Congress, and I have seen people come together in moments of crisis, such as when Social Security needed to be strengthened, when Medicare needed to be strengthened, when we had deficits as far as the eye could see and we had to resolve that. I have seen all that happen. We have 27 days left to see something good happen about this fiscal cliff.

When people say, oh, it is very complicated, don't believe it. Don't believe it. It is not complicated. There are several parts to this fiscal cliff. The biggest one is the Bush-era tax cuts that are expiring on 100 percent of the people, and if they expire, it means people will have to pay more in taxes at a time when we don't want them to have

to struggle. We want them to have disposable income because it is good for their families, it is good for the economy, it is good for business, and it is good for economic growth. The Bush-era tax cuts are expiring on December 31. Why don't we find the common ground, get rid of that issue, get those tax cuts to 98 percent of the middle class who need them and fight about the millionaires and the billionaires later? They are OK. They are fine.

We need to do that simple step. The House must pass the Senate's bill which we passed on July 25. We did it. It is done. We don't have to worry about it. We did our job over here. We got the votes. So the House needs to pick it up and pass it over there.

I understand that Democratic Leader PELOSI has done something very interesting. She has taken this bill, the same exact bill, and put it at the desk in the House and started what they call a discharge petition. What that means is, since Speaker BOEHNER will not bring up this bill, if 218 people sign the discharge petition, there will be an immediate vote on the floor. I wish to urge Republicans and Democrats and Independents over in the House to sign the discharge petition to have a vote. We have a few days left until the end of the year—27—to get this done.

Then we can talk about the automatic spending cuts, and there are ways to stop those. People are upset about those. Personally, I think we have to make spending cuts, but I think we can soften the blow of those spending cuts by bringing home the money from the wars in Iraq and Afghanistan to this country. That would soften the blow of those cuts. We also need to be making some more investments in infrastructure, which we desperately need after superstorm Sandy hit New York, New Jersey, Connecticut, Delaware, and Maryland. We now see our infrastructure has to be what we call hardened, made stronger. We can do that if we invest in our people.

The President has offered a very clear plan that is fair that takes us off the fiscal cliff. We have 27 days to do the right thing. The Senate already passed the tax cuts for 98 percent of the people. All we are asking is for the House to do that, to match us, and then we can get back to the table and figure out a way to soften the blow of the automatic spending cuts. We can look at tax reform.

Let me just say this about tax reform. When our colleagues complain about tax rates and say: We would rather close loopholes, watch out. In order to raise the kind of funds needed to lower this deficit, we would be looking at the two of the biggest ''deductions.'' One is for your mortgage and one is for charitable contributions. I would ask rhetorically: What billionaire do you know who has a mortgage? I don't, frankly, know any. They own their own homes. They are not hurt by that. But who does get hurt? The middle class.

So let's do the right thing. We passed the right thing on July 25, 2012. We have 27 days left before taxes on the middle class go up. I know we have the wherewithal to do that.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to talk about where we are with regard to the end of the year and especially where we are with regard to the focus we should bring to bear on middle-income families. We have had a lot of discussion in the last couple weeks, using terms such as ''fiscal cliff'' and terms that involve tax policy. All that is important to debate, but sometimes what is lost in the midst of all that is what is happening to middle-income families.

The sense I have, in talking to a lot of those families in Pennsylvania, is they have been asking their representatives in Washington to do at least two things: No. 1 is to try to work together to get agreements, not just in the near term but over a long period of time; and No. 2—and not in second place, because they are as fervent about this as they are about No. 1—they ask me all the time to do something to create jobs at a faster pace, to put in place strategies that will lead to job creation that is more accelerated.

The good news is we have had some progress. If we look at the numbers for August, September, and October, it is right around 511,000 jobs created. That is good news and it is good progress. It is a lot better than where we were in the spring. If memory serves me, in the time period of April, May, and June, we had only created about 200,000. So this 3-month period with more than half a million jobs created is progress.

But we have a long way to go, and we need to move the job-creation pace or the pace has to be accelerated. We have in the midst of all that a good bit of uncertainty. Middle-income families look at Washington and don't see enough progress on jobs, they don't see folks coming together yet. I think we will, but until they see that, until they have a sense there is something substantial that is decided that affects their lives, they are going to be very uncertain. I hear this from taxpayers. I also hear a lot about uncertainty from small business owners.

At the same time, the House has something they can do about it right now. On July 24 we passed in the Senate a tax cut for middle-income families, meaning we would continue tax rates for those families. That kind of certainty is badly needed right now. So one of the best things that could happen right now is the House could vote and then the President would sign into law legislation that would provide certainty for middle-income families—98 percent of American families and some 97 percent of small businesses. So it is time for the House to act.

Secondly, we have to take steps to make sure we are creating jobs at a faster pace. As I mentioned before, I am introducing legislation today to help middle-class families and to boost hiring. The bill is called the Middle-Class and Small Business Tax Cut Act, and it would expand the payroll tax cut from last year for 1 year and give employers a tax credit for hiring.

The payroll tax cut we put into place last year had a number of benefits. I won't go through all those today, but the Joint Economic Committee—the committee of which I am the chairman—put out a fact sheet in the last 24 hours that highlights some of the benefits of the payroll tax cut. I wish to highlight a few of those.

I ask unanimous consent to have printed in the RECORD the Joint Economic Committee fact sheet on the payroll tax cut dated December 4, 2012.

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

FACT SHEET: PAYROLL TAX CUT, JOINT ECONOMIC COMMITEE, UNITED STATES CONGRESS, SENATOR ROBERT P. CASEY, JR., CHAIRMAN, DECEMBER 4, 2012

THE PAYROLL TAX CUT SUPPORTED THE ECONOMIC RECOVERY, CREATED JOBS AND BOLSTERED THE SOCIAL SECURITY TRUST FUND IN 2012

Last winter, Congress took action to prevent a temporary two-percentage-point reduction in payroll taxes from lapsing at the end of 2011, extending the tax cut through the end of 2012. The payroll tax cut for 2012 increased take-home pay for over 120 million American households, providing tangible benefits as the economy continued to recover from the Great Recession. The additional money in individuals' pockets contributed to increased consumer spending in 2012, supporting economic recovery and job growth. Including October, the private sector has added jobs nationwide for 32 consecutive months. Finally, the boost in employment due to the payroll tax cut, coupled with transfers from the General Fund, helped to fortify the balance of the Social Security Trust Fund.

Benefits of the Payroll Tax Cut in 2012

122 million households received additional take-home pay. Cutting payroll taxes immediately increased the income of everyone who received a paycheck. By the end of 2012, the two-percentage-point payroll tax cut will give an additional $1,000 to the average American family.

The payroll tax cut boosted consumer spending. Additional take-home pay allowed working families to make purchases that supported economic growth and job creation. In the third quarter of 2012, real consumer spending grew 2.0 percent at an annual rate, following gains of 2.4 percent and 1.5 percent in the first and second quarters.

Middle-class families are responsible for the bulk of consumer spending. The most current data show that families making under $150,000 are responsible for the vast majority (81.9%) of consumer spending. Moreover, families earning less than $70,000 per year are responsible for nearly half (44.8%) of all consumer spending.

The payroll tax cut targets those most likely to spend it. Compared with reducing the tax rates of the highest income earners, cutting payroll taxes puts more money in the hands of middle- and lower-income working families. Over half of the benefits of the payroll tax cut went to households earning less than $100,000 annually, and 85 percent of

the benefits went to those making less than $200,000.

Economic growth and job gains were stronger in 2012 due to the payroll tax cut. The two-percentage-point payroll tax cut for 2012 boosted economic growth nationally by an estimated one-half of a percentage point in 2012. The payroll tax cut also saved or created an estimated 400,000 jobs.

The payroll tax cut bolstered the Social Security Trust Fund. The annual OASDI Trustee's report for 2012 confirms that the payroll tax cut has no negative effect on the balance of the Social Security Trust Fund in the short or long term. All reduced revenues are recovered through transfers from the Treasury General Fund.

Furthermore, the additional jobs generated by the payroll tax cut added to the Social Security Trust Fund's balance. The JEC estimates that the boost in employment driven by the payroll tax cut contributed at least $1 billion in additional Social Security tax withholding and payments. This assumes a majority of the jobs created or saved because of the payroll tax cut, as during the recovery more generally, were in occupations such as food services, retail and employment services. The additional Trust Fund revenue could be much larger—as much as $3 billion—if those jobs were in higher-wage industries such as manufacturing or professional services, or if the number of additional jobs was greater than previously estimated.

ESTIMATED BENEFITS OF THE PAYROLL TAX CUT IN 2012 FOR AMERICAN FAMILIES, BY STATE

State	Median Household Wage and Salary Income (2011 Inflation-Adjusted Dollars)	Additional Take-Home Pay from 2% Payroll Tax Cut in 2012
United States	$51,726	$1,035
Alabama	$45,821	$916
Alaska	$66,185	$1,324
Arizona	$47,348	$947
Arkansas	$40,729	$815
California	$58,243	$1,165
Colorado	$54,985	$1,100
Connecticut	$69,240	$1,385
Delaware	$58,040	$1,161
District of Columbia	$71,277	$1,426
Florida	$45,821	$916
Georgia	$48,061	$961
Hawaii	$61,094	$1,222
Idaho	$40,933	$819
Illinois	$56,003	$1,120
Indiana	$48,061	$961
Iowa	$49,894	$998
Kansas	$48,875	$978
Kentucky	$44,802	$896
Louisiana	$45,821	$916
Maine	$45,821	$916
Maryland	$71,277	$1,426
Massachusetts	$68,018	$1,360
Michigan	$47,959	$959
Minnesota	$57,021	$1,140
Mississippi	$39,711	$794'
Missouri	$46,839	$937
Montana	$42,257	$845
Nebraska	$48,875	$978
Nevada	$48,875	$978
New Hampshire	$64,149	$1,283
New Jersey	$71,277	$1,426
New Mexico	$42,766	$855
New York	$60,076	$1,202
North Carolina	$43,886	$878
North Dakota	$47,348	$947
Ohio	$48,875	$978
Oklahoma	$43,784	$876
Oregon	$46,635	$933
Pennsylvania	$52,948	$1,059
Rhode Island	$57,021	$1,140
South Carolina	$42,766	$855
South Dakota	$46,839	$937
Tennessee	$42,766	$855
Texas	$50,199	$1,004
Utah	$54,985	$1,100
Vermont	$52,948	$1,059
Virginia	$63,131	$1,263
Washington	$58,040	$1,161
West Virginia	$42,766	$855
Wisconsin	$50,912	$1,018
Wyoming	$54,985	$1,100

Source: Joint Economic Committee Chairman's staff calculations using data from the 2011 American Community Survey micro data files.

Mr. CASEY. Mr. President, just a couple of points when you look at the economic impact on families when they have dollars to spend. The payroll tax cut puts $1,000 on average in the pockets of most families in America. Families making under $150,000 are responsible for almost 82 percent of consumer spending. So the reason we are creating jobs with the payroll tax cut or a tax credit—the idea I mentioned before—is because we are giving consumers, families, and small businesses the opportunity to create jobs because of economic activity.

I mentioned the job impact of the payroll tax cut. It created or saved 400,000 jobs in the last year, and it didn't in any way harm the Social Security trust fund. In fact, it enhanced our ability to have more payroll revenue over time because of that job creation.

So I think we should do both—continue the payroll tax cut as well as have a tax credit for businesses so that if they hire in year one versus a year after the year the credit is in place, that hiring can be given credit and they can be incentivized to hire more.

Tomorrow our Joint Economic Committee will be engaged in a hearing on fiscal cliff issues. We will discuss strategies to create jobs, and we will discuss the implications of the fiscal cliff and what will happen if we don't get some work done by the House to pass the middle-income tax cut that was passed here in a bipartisan fashion. So we have a lot of work to do, but I think one thing we have to make sure we do is to continue to focus on middle-income families, their lives, their struggles, and what we can do to make sure they have more dollars in their pockets to continue economic growth.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I would like to thank my great colleague from Pennsylvania. I enjoyed sharing a table last night with him and his beautiful, charming, intelligent wife, whom he would be the first to admit he is lucky to have married, and their four great girls. I also thank him for his excellent on-target remarks. We have a great chairman of the JEC, and every time he comes to the floor it shows.

Senator OLYMPIA SNOWE, Bill Kristol of the Weekly Standard, Congressman MIKE SIMPSON of Idaho, David Brooks, Congresswoman BONO MACK, Congressman WALTER JONES, and the National Review, we are here to say that passing the Senate's middle-class tax cut is the right thing to do, but you don't need to take our word for it. Two thirds of the American public agrees with us, but you don't need to take their word for it either. Just listen to the voices within Speaker BOEHNER's own party.

It is clear that Speaker BOEHNER needed cover from his right flank before he could agree to any deal on taxes with the President. The Speaker didn't have it before, but he sure has it now. When the Wall Street Journal editorial page says that decoupling would not go against conservatives' antitax principles, that gives a whole lot of cover to the Speaker. When Grover Norquist refuses to declare whether decoupling would violate his group's pledge, that, too, gives a whole lot of cover to the Speaker. And when more and more rank-and-file Republicans come out publicly every day in favor of passing the Senate bill, that, too, gives cover to the Speaker.

You really have to salute Congressman TOM COLE. He was the first one on the other side to dare speak the truth about what should be done on taxes, and he has been on TV almost every day making the case to his party in public. The day after Congressman COLE went public, he was dismissed as having a minority opinion. Well, that is not true anymore. His comments sparked a trend. In addition to those Republicans who have spoken out publicly, there are probably dozens of other TOM COLEs in the House who just don't feel free to speak their mind but agree with him privately.

Just this morning, in an appearance on cable television, the junior Senator from Oklahoma, an unquestioned conservative, came out on higher tax rates on the wealthy. He said:

> Personally, I know we have to raise revenue; I don't really care which way we do it. Actually, I would rather see the rates go up than do it the other way, because it gives us greater chance to reform the tax code and broaden the base in the future.

Well, if Senator COBURN does not provide conservative cover, I don't know who does.

The House Republican leadership is like generals hunkered away in a bunker who don't realize their army has already laid down their arms. The Republican leaders are in search of an exit strategy, while they have one in the form of a discharge petition that has been filed in the House. It is an out for the Speaker. With the discharge petition, the Speaker doesn't have to outright endorse the Senate bill; all he needs to do is tell his Members: Sign your conscience. If you believe in the discharge petition, sign it, and there will be no recrimination against you.

If Speaker BOEHNER does that, I am confident the discharge petition will get 218 signatures and then we will get 218 votes on the floor. We may not get a majority of the majority, but we will definitely get 218 votes. So we may never win over the PAUL RYANs in the other Chamber, but they aren't necessary—they can vote no or they can even vote present.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. I ask unanimous consent that I be given 1 additional minute.

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

Mr. SCHUMER. Put the bill on the floor, let rank-and-file Republicans vote their conscience, and this bill can pass.

In the New York Times today, it was reported that senior aides on the Republican side are considering just such a strategy to give them a soft landing on this tax debate—agree to the President's offer on the tax, the thinking goes, and live to fight another day on spending cuts.

We agree that a tax hike on middle-class Americans should be taken off the table. Once Republicans agree to higher rates on the wealthy, an agreement on the other sticking points of a grand bargain can quickly fall into place. So let's stop with the offers and the counteroffers that are leaked only to manufacture headlines in the press. Let's get serious and cross the biggest item of our to-do list off and get the Senate tax cut bill passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent the next 45 minutes be devoted to a colloquy between myself and my colleagues on this side of the aisle.

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

STEM JOBS ACT

Mr. CORNYN. Mr. President, this last week the House of Representatives passed a bipartisan piece of legislation called the STEM Jobs Act. For those who are unfamiliar with the term STEM, it stands for science, technology, engineering, and math—the hard sciences programs that we have too few graduates from in our colleges and universities. This bill passed in the House of Representatives with 245 votes and was originally sponsored by my friend and colleague LAMAR SMITH of Texas. It is very similar to a piece of legislation I myself introduced earlier this year.

The goal of this legislation is one that I think enjoys broad bipartisan support, and that is to help the United States retain more of the highly skilled immigrants who come to study at our colleges and universities. In particular, this bill would make eligible for a green card those who graduate from the STEM fields who get a master's degree or a Ph.D. We would not add to the net number of green cards that would be eligible. There are 55,000 diversity lottery visa green cards that would be substituted for by these STEM green cards.

We all know America's immigration system is broken. Unfortunately, it causes self-inflicted wounds in many respects, but particularly by driving away highly skilled foreign workers who want to start businesses and create jobs right here in America. This is not about hiring foreign workers to perform jobs where we have qualified Americans waiting in line for these jobs. The fact of the matter is, we do not produce enough American-born workers to fill the job vacancies in these fields.

Many of these potential job creators and entrepreneurs attend our colleges and universities. You might even say that the American taxpayer helps subsidize their education because many of them received world-class training at our public and private colleges and universities and then reluctantly return home to pursue their careers because they cannot get a visa or cannot get a green card here in America. We are cultivating human capital and then sending those individuals back home.

This is an area where there is broad support. My colleague Senator MORAN recently wrote a ''Dear Colleague'' letter which points out that roughly—he cites in the letter that more than three-quarters of voters support a STEM-type visa. He quotes in this letter, dated July 20, 2012, 87 percent of Democrats polled, 72 percent of Republicans polled, and 65 percent of Independents support the creation of a STEM visa. Of course if you think about it, it is common sense. Why in the world would we want to subsidize the education of these students from other countries, train them in these highly specialized and highly desirable fields, and then simply send them home?

I have introduced legislation over the past years that would increase the number of H1B visas, which are not green cards. They are actually temporary visas that would allow more of these foreign national students, trained in these STEM fields, to stay here in the United States and help create jobs here in the United States. This bill actually goes a step further. What it does is it provides them a green card, which is the first step toward a path to citizenship.

If you believe our current policy is a self-inflicted wound on our economy, you are exactly right. We are educating brilliant students and then compelling them to go to work in Shanghai or Singapore rather than San Antonio or the Silicon Valley. Meanwhile, we are handing out tens of thousands of diversity visas to immigrants chosen by random lottery, without regard to any qualifications they may have when it comes to job creation and entrepreneurship. It makes absolutely no sense.

I believe we need an immigration policy that serves our national interests. If there is one thing that we need more than anything else now, we need job creators and entrepreneurs in the United States. We know in the global economy it is people with special skills in science, technology, engineering, and mathematics who are the ones who are going to help us create jobs and grow the economy—not just for these individuals but for the people who are hired by the startup businesses they will create.

The STEM Jobs Act would mitigate the problem with the diversity lottery visa, which again does not distinguish between immigrants based upon the qualifications they have or their ability to create jobs or be entrepreneurs. It would mitigate this problem by making our immigration system more economically sensible. It would establish new visa categories for 55,000 STEM graduates of American research institutions and would eliminate the random diversity lottery visa to offset these new green cards.

Our competitors abroad are observing this brain drain that America is experiencing and they are taking advantage of it. In a global economy they are more than happy to take the best and the brightest foreign students who come and train in the United States and to encourage them to come to their countries and create jobs and economic growth there. This relatively minor change to our immigration system could deliver a major boost to U.S. economic growth. I realize many of our colleagues have different priorities when it comes to fixing our broken immigration system, but the reforms contained in the STEM Jobs Act enjoy bipartisan support.

I urge my colleagues, let's show the world we can agree on this commonsense, bipartisan immigration reform. Let's do something for our economy and let's take this first step in solving our broken immigration system.

Before I turn the floor over to my colleague from Kentucky, who I know has some comments on this topic, let me address two issues quickly. I can anticipate hearing from some of our colleagues that this does not solve all of what is broken in our immigration system, and I concede that is correct. But what we need more than anything is to develop some confidence-building measures for the American people to demonstrate that we can come together, Republicans and Democrats alike, and do what needs to be done which almost everybody agrees is common sense and then we can follow on with other solutions on a targeted basis for our broken immigration system.

I once believed, back in 2005, when Senator JON KYL from Arizona and I introduced something we called the Comprehensive Border Security and Immigration Reform Act of 2005, we should address this issue comprehensively. We tried in 2007. That bill failed on the Senate floor when Senator REID pulled the bill from the floor.

I believe now, given the temper of the times and given the skepticism with which the American people view us here in Congress, the only way we are going to crack this nut is to start small in targeted reforms such as the STEM Jobs Act. I believe this is the beginning and not the end of fixing what is broken about our immigration reform system. But if we cannot do this—if we cannot do this—I have next to no confidence we can do the rest that needs to be done as well.

A final point. I believe we should be family-friendly when it comes to our immigration system. This STEM Jobs Act takes a very important step in making sure families can be unified. Under the current law, someone who has a green card is not entitled to bring their immediate family into the United States to live with them while they are waiting for their eligibility for a green card. The STEM Jobs Act, though, addresses that by recreating the V visa, which would help us retain more of the potential job creators but it would also help unify the immediate families of U.S. permanent residents. Right now, the spouses and children of U.S. permanent residents have to wait outside, to wait in line for their green card, which causes families to be separated—something that none of us believes is an optimal situation. The STEM Jobs Act would let them wait inside the United States, unified with their loved ones until they are off the waiting list, which takes several years, and thus would promote family unification. That is yet another reason why this bill deserves our support.

I yield to my distinguished colleague from Kentucky, who I know supports this approach, for any comments he would care to make.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. I compliment the Senator from Texas for being a leader in immigration reform. There are many of us in the Republican Party who wish to have immigration reform. I do wish it be noted for the RECORD today that we can take a small step forward toward immigration reform today. This bill that would allow Ph.D.s, master's, successful graduates to come into this country with a green card could be passed today. This bill is at the desk and we will ask consent from the majority party today to pass this bill.

I will also note the President and the Members of the majority party will object. The President has said he will not pass this unless he can get everything he wants. When I go home or when I talk to folks with the media, they say: Why can't you guys get along? Why can't you do anything in Washington? Why is this system so horribly broken?

This is precisely why. We agree on this bill. I think the other side will stand and say they like the concept, but they do not want to do it yet. They want to wait until we agree on everything. Guess what. We are never going to agree on everything so we are never going to get immigration reform if we cannot start agreeing to some things and moving the ball forward.

This is the same on tax reform. This is the same on entitlement reform. We lurch from deadline to deadline. There will be a deadline, the so-called fiscal cliff coming up, and the President has announced that we do not have enough time to do entitlement reform. We don't have enough time to do tax reform. We don't have enough time to do immigration reform.

When are we going to start? When is there going to be a committee hearing designated toward entitlement reform? I have been here 2 years. There is no such committee. When will there be hearings on immigration reform? There will not be time. Deadlines will pass.

But not break things up into smaller pieces? Why have to have some enormous fiscal cliff or whatever that everybody has to agree to a thousand moving parts? We are of different persuasions, of different parties, of different beliefs. We are never going to agree on a thousand things. Why don't we start passing some things we can agree to? This is a small step forward. We can pass this bill today.

Does the Senator have an explanation that can help me understand why we have to have empty partisanship, why we cannot move forward to pass some small things for immigration reform?

Mr. CORNYN. Mr. President, I would say in response to the Senator from Kentucky that I have been in the Senate for some time now. I have been engaged in the immigration debates for a long time. I think one of the biggest challenges is we have tried to deal with this in a comprehensive way that has so many moving parts it is almost impossible to find a majority in the Senate, much less the House, in order to support all the various components of it. That is one of the things I like about this bill. It is narrow, it deals with a consensus reform—commonsense reform—and it avoids a lot of the controversy associated with other parts of the immigration subject. I do believe we owe it to the American people not to stop here, but it is a good place to start. Once we pass this legislation and people see that we have acted responsibly and in America's best interests, then we can regain their confidence that we can deal with other broken parts of the immigration system.

Mr. PAUL. I think another important point to make about this is we truly have different philosophical differences with people on the other side. But what people at home ask me is when you agree with the other side, when the other side says we want this part of immigration reform, why can't we do it? That to me is empty partisanship. Are we afraid to give Republicans credit for introducing immigration reform in the Republican-controlled House? Are we afraid it might be perceived as a Republican idea? That to me is empty partisanship. I routinely vote with the other side on some issues that some on this side object to because I believe in the issue. This is an issue where we all should be able to agree on immigration reform. Yet the other side will object to moving the ball forward on immigration reform. That I don't understand and that I see as empty partisanship, and that is the dysfunction of this body when we agree on something we still cannot pass it.

Mr. SCHUMER. Mr. President, will my colleague yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

UNANIMOUS CONSENT REQUEST—H.R. 6429

Mr. CORNYN. I ask the Senator to withhold for a moment because I do have a unanimous consent request. I understand the Senator likely will have an objection to that. We have other Senators who are going to speak. Given the limitation on our time, what I wish to do, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 559, H.R. 6429, that the bill be read a third time and passed, the motion to reconsider be made and laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Reserving the right to object, and I will object and explain my objection.

The PRESIDING OFFICER. OK.

Mr. SCHUMER. Very simply, I heard my colleague from Kentucky say if we agree on something, let's pass it. We do agree on increasing STEM visas. I am offering a proposal that does that and does it in a more fulsome way than the proposal of my friend from Texas. But what we do not do is take away other visas or add in other extraneous positions.

I would say the logic of my friend from Kentucky is impeccable, but because of constraints on the other side they could not pass a plain bill that just added STEM visas. They had to take away other visas that my colleague from Texas does not like—but many people do. They had to add in a few other provisions.

I would simply say that if my colleague from Kentucky says we should join together on something we agree with, I will bet he agrees with our proposal as well. And I will bet he agrees with it even more than the other proposal because we add two things that are not in the bill of the Senator from Texas. No. 1, we allow unused STEM visas to be used to reduce the backlog of employment green cards. There are 200,000 people waiting. It may well be that the 55,000 visas in the bill of the Senator from Texas are not going to be used up. That is what experts say. Second, we allow STEM green cards to be used by entrepreneurs, a bill that has been introduced by I believe Senator COONS, Senator MORAN—bipartisan—Senator WARNER as well.

I am going to object to this bill, not because it increases STEM visas and not for some larger purpose—although I do understand that if we pick off all the pieces each of us wants, we are not going to get comprehensive reform, and that is why the Hispanic Caucus opposes the bill of the Senator from Texas but supports our bill. I understand that. But if we just want to do STEM and do it in the best way possible without other provisions, because that is what we agree on, I would urge my friend from Kentucky, and those

Members on the other side, to support our bill.

So I object to the Cornyn bill, and I will be offering a bill on the same subject that is purer, cleaner, and more full on STEM visas than the proposal that was made by my good friend from Texas.

The PRESIDING OFFICER. Objection is heard. The Senator from Texas.

Mr. CORNYN. Mr. President, I understand that the Senator from New York has objected, and of course here we go again making the perfect the enemy of the good and not moving forward on commonsense immigration reform in an area where there is a consensus.

There are several problems with the Senator's proposal. One is that it has not passed the House and this one has. It also has a 2-year sunset provision, as I understand, and there is no family unification provision. Also, it doesn't eliminate the diversity lottery visa which allows people to get green cards without regard to the qualifications that they bring to this country to create jobs and start new businesses.

I know we have the distinguished Senator from North Dakota here.

Mr. SCHUMER. Mr. President, if I might be recognized to offer my proposal? I have let my friend from Texas respond, but I have the—

The PRESIDING OFFICER. Will the Senator from Texas yield?

Mr. CORNYN. Mr. President, we have four Senators who are prepared to speak, and I just want to make sure we have adequate time to speak. I ask that any time that is used by the distinguished Senator from New York not be added to or subtracted from our time. We have retained a total of 45 minutes.

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

Mr. CORNYN. Under those circumstances, I agree to yield the floor.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 3553

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3553, the BRAINS Act, and the Senate proceed to its consideration; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table, with no intervening action or debate.

I will be brief because I don't want to take away from my colleagues' time. What this bill does is provide more STEM visas than the previous bill. It provides an entrepreneurship visa which the other bill does not. It does not take away existing visas, which the Senator from Texas doesn't like, but many other people find popular, good, and necessary. The unemployment rate for those on the diversity visas coming in is much lower than that of the national average.

If we want to pass a pure STEM bill without extraneous provisions added by people who are anti-immigration because they don't want to see any net increase in immigration, I urge the support of our bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, the problem with the Senator's proposal is that this piece of legislation he has referred to has not passed out of committee in the Senate. It has not passed the House. This bill, the STEM Act, has passed the House. Theirs has a 2-year sunset provision; this is permanent legislation. Also, it has no family unification provision that will allow the immediate family members of the green card holder to wait the time when they will become eligible for a green card in the United States as opposed to back in their country of origin, and it does nothing to promote merit-based immigration reform. We ought to be looking at immigration reform from the standpoint of not just how it can help the immigrant but how it can help America create jobs and entrepreneurship.

For those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, at this time I yield to the distinguished Senator from North Dakota and then, following that, the distinguished Senator from Iowa for any comments he cares to make.

Mr. HOEVEN. Mr. President, I thank the esteemed Senator from Texas and the Senator from Kentucky. I see the Senator from Iowa has joined us as well.

I rise to speak in support of the STEM Act but also to respond to the Senator from New York. I see the Senator has left, but I also want to respond to some of the points in support of the Senator from Texas.

The STEM Act passed the House; it was H. Res. 6429, sponsored by Congressman LAMAR SMITH. I argue that it accomplishes both of the things we are talking about today. It provides us with the opportunity to have a greater pool of employees with training in science, technology, engineering, and mathematics, which is what we need in this country. It also accomplishes the diversity that was referred to by the Senator from New York.

So what the Senators from Texas, Kentucky, Iowa, and myself are proposing is to accomplish both goals. We are saying we can have the students who have graduated with either a doctorate degree or a master's degree in science, technology, engineering, and mathematics, which is what we very much need to get our economy growing. A growing economy creates more employment. It also creates the revenue without raising taxes that we need to address our deficit and debt. So this legislation accomplishes both those goals and still provides an increase in diversity which is what the Senator from New York was talking about.

The additional point is the point that the Senator from Texas very clearly made. This legislation passed the House. The last time I checked, legislation has to pass the Senate and the House. That is a pretty important distinction.

Referring back to the comments of the Senator from Kentucky, who said if we cannot do it all at once because of disagreements, let's start getting done what we can get done, here is a bill that provides us with people in the science and technology fields who can help our economy grow. These are people we need very much. It will increase diversity, just as the Senator from New York said, and it has passed the House. Common sense says let's go. Let's pass the bill.

So we want to join with the Senator from New York, the Senator from Delaware, and the other sponsors to whom he referred, but let's join on something we can actually get done, meaning a bill that passes the House as well as the Senate. I think that logic is compelling.

I look at my own State of North Dakota. We are doing amazing things in energy. As a matter of fact, we are hot on the trail of the State of Texas when it comes to oil development. I am telling you, we are after you.

So what is that going to take? It is going to take continued development of the technologies that not only helps us produce more energy, but helps us do it with good environmental stewardship. What we are talking about is when we have the engineers, scientists, technicians, and mathematicians who graduate from our great universities with doctorate and master's degrees, they can stay and help us here rather than help someone else in some other country that would then get ahead of the United States. This will help us solve the fundamental challenges we face today, which is getting this economy growing so we get people back to work and creating the revenue the right way with economic growth to help us address our deficit and debt.

With that, I yield the floor to the esteemed Senator from Texas.

Mr. CORNYN. How much time remains?

The PRESIDING OFFICER. Twenty minutes.

Mr. CORNYN. Mr. President, I yield to the distinguished Senator from Iowa for any comments he cares to make.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today, I'm proud to speak in support of the STEM Jobs Act of 2012, a bill passed by the House of Representatives last week. This bill would make available up to 55,000 green cards each year for foreign students who have received doctorates or master's degrees in science, technology, engineering, or math, also known as STEM, from a U.S. university. The bill would not increase overall immigration levels, but rather, would move our immigration

system toward one in which we reward the best and brightest of the world with the chance to remain, live, and work in this country.

Without a doubt, our immigration system is flawed. I have long argued that we need to enhance and expand legal avenues for U.S. employers to hire foreign workers. While I am a champion for rooting out fraud and abuse from many of our visa programs, I'm also supportive of finding ways to allow people to enter this country through legal channels.

It makes sense to allow foreign students who have been trained and educated on U.S. soil to remain here. These students have advanced degrees in science, technology, engineering, and math, and this bill will ensure that we keep those highly skilled and sought-after students here for employers in need.

Our economy cannot wait. We need to enact solutions today that create economic growth.

We also have no reason to wait for next year's likely debate on immigration. Attracting and retaining high-skilled workers should not be a partisan issue. The senior Senator from New York has a similar proposal to grant green cards to STEM students. I can only assume that many people on the other side of the aisle would support this bill if the majority leader gave it a chance. Nearly 30 Democrats in the House crossed the aisle to help this bill pass last week.

Finally, as we look ahead to immigration reform, it will be important to consider ways our policies benefit future generations, not just solve the problems of the day. Our immigration system should be structured in a way to recruit people with skills in STEM fields. This bill is a good first step to changing our system to a merit-based one. Enhancing our legal immigration channels should be a top priority, and I am committed to working on ways to do that for all sectors of the economy.

I hope the majority will reconsider, and allow the Senate to call up and pass the STEM Jobs Act and send it to the President. It would be a signal to the American people that we can work together to enact needed immigration reforms.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the remarks of the distinguished Senators from Iowa, North Dakota, and Kentucky.

I think what people find so maddening about Congress and Washington, DC, is even when we agree, we still cannot seem to get anything done. How is it that we can agree on the importance of additional STEM green cards and still not be able to get anything done? This is not about what is perfect, but this is about what is possible given what has happened in the House of Representatives.

We could do this today and send it to the President of the United States in the next couple of days so he can sign it. The question is, How many more years will pass while we have these highly qualified students who graduate from our own colleges and universities with master's degrees and Ph.D.s in science, technology, engineering, and math before we finally address the problem?

I realize there is other legislation people would like to have considered, but this has actually passed the House of Representatives.

I remember the hearing we had in the Senate Judiciary Subcommittee on Immigration of which I am the ranking member. The Senator from New York said at that time—and this would not be a surprise to him since these are his own words, and it is consistent with what he said on the Senate floor:

> If we do not enact an immigration policy that continues to attract the world's best minds, we will cease to be the world's economic leader.

That is why I call this a self-inflicted wound. If we agree that American workers should get the right of first refusal, but there are not sufficient American workers with the qualifications in these important fields, why in the world would we not allow the creation of jobs and new enterprises that would come with the STEM Jobs Act that has passed the House?

I have a series of letters: one from the chancellor of the University of Texas System, Texas A&M University System, Texas Tech University System, the University of Houston System, the University of North Texas, and the Texas State University System in support of STEM legislation. I also have a letter from Rice University president David Leebron supporting this same type of legislation.

I have a letter dated June 25, 2012, addressed to President Obama, Leader REID, Leader MCCONNELL, Speaker BOEHNER and then-Leader PELOSI from the Partnership for a New American Economy signed by the presidents or chancellors of 42 public and private universities. I have a letter to Congress from the Information Technology Industry Council, Partnership for a New American Economy, and the U.S. Chamber of Commerce supporting STEM immigration reform such as this bill.

I have another letter dated November 15, 2012, to Members of Congress from the American Council on International Personnel and the Society for Human Resource Management supporting this type of STEM legislation. I have another letter dated September 19, 2012, to Speaker BOEHNER, Leader CANTOR, Whip MCCARTHY, Minority Leader PELOSI, and Minority Whip HOYER from CONNECT, a U.S. San Diego tech transfer commercialization enterprise.

I also have a letter from the president of Baylor University in support of STEM legislation.

I ask unanimous consent that the letters I just referenced be printed in the RECORD at this time.

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

DECEMBER 4, 2012.

STATEMENT ON VISAS FOR STEM GRADUATES FROM TEXAS PUBLIC UNIVERSITY SYSTEM CHANCELLORS

As chancellors of the six Texas public university systems, we recognize the important role the fields of science, technology, engineering, and mathematics (STEM) play in American competitiveness.

We understand Senator John Cornyn plans to pursue legislation during the remaining days of the 112th Congress aimed at providing more visas for foreign graduates of American universities in the STEM fields. Industry and academia, particularly in Texas, face critical shortages in the availability of qualified job applicants in these fields. While we are actively engaged—through education outreach and engineering extension—in preparing Texas residents for success in the STEM fields, we recognize the need to address existing shortages in these critical fields through a pathway for international students already enrolled at our institutions in these disciplines.

The severity of this situation was highlighted in the recently published National Research Council report, Ten Breakthrough Actions Vital to Our Nation's Prosperity and Security. The report focuses on the role research universities play in protecting the future of America and recommends actions that should be taken separately and jointly by universities, states, and the federal government. The report specifically calls on the federal government to streamline the processes that impact the ability of international innovators to remain in our country and contribute to its prosperity.

We applaud Senator Cornyn for his leadership and focus on this issue. We urge Congress to work toward a bipartisan solution to this important component of job growth and our nation's innovation agenda.

FRANCISCO G. CIGARROA, M.D.,
Chancellor, The University of Texas System.

MR. JOHN SHARP,
Chancellor, Texas A&M University System.

MR. LEE JACKSON,
Chancellor, University of North Texas System University System.

MR. KENT HANCE,
Chancellor, Texas Tech University.

DR. RENU KHATOR,
Chancellor, University of Houston.

DR. BRIAN MCCALL,
Chancellor, Texas State.

RICE UNIVERSITY,
Houston, TX, December 4, 2012.

Hon. JOHN CORNYN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CORNYN, I write on behalf of Rice University to support the STAR Act and all efforts to make it easier for foreign students who receive advanced degrees in the STEM fields to remain in the United States and put their educations and skills to work on behalf of the country. These students are among the best and brightest in the world and, equipped with a Rice University or other U.S. education, will have much to contribute to business and job creation and economic growth.

Rice University is proud to be based in Houston, Texas, and to educate leaders and generate research and knowledge that contribute in major ways to the vigor of our state and country. We are equally proud to have more than 10 percent of our undergraduate students and about 40 percent of our graduate students from other countries. The fact that we can attract the best and the brightest from throughout the world is a significant strength, but to lose those students after graduation because of overly restrictive immigration policies is a distinct weakness for our state and country. We should not send that education and talent away.

There is a case to be made for comprehensive immigration reform, but the STAR Act makes significant progress towards that goal. We would be happy to contribute our faculty expertise if you would find that helpful. Thank you for your leadership on this issue.

Sincerely,

DAVID W. LEEBRON,
President.

PARTNERSHIP FOR A NEW AMERICAN ECONOMY,
June 25, 2012.

President BARACK OBAMA,
The White House, 1600 Pennsylvania Ave., Washington, DC.
Sen. HARRY REID,
Senate Majority Leader, Hart Senate Office Building, Washington, DC.
Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.
Sen. MITCH MCCONNELL,
Senate Republican Leader, Russell Senate Office Building, Washington, DC.
Hon. NANCY PELOSI,
Democratic Leader, U.S. Capitol, Washington, DC.

DEAR MR. PRESIDENT, MAJORITY LEADER REID, REPUBLICAN LEADER MCCONNELL, SPEAKER BOEHNER, AND DEMOCRATIC LEADER PELOSI: As leaders of universities educating the creators of tomorrow's scientific breakthroughs, we call on you to address a critical threat to America's preeminence as a global center of innovation and prosperity: our inability under current United States immigration policy to retain and benefit from many of the top minds educated at our universities.

From the industrial revolution to today's information age, the United States has led the world in creating the inventions and ideas that drive economic prosperity. America's universities are responsible for 36 percent of all research in the country, including 53 percent of all basic research, and they help keep America at the forefront of the 21st century economy. The Federal Government has recognized the importance of university research by providing roughly 60 percent of all academic R&D funding.

American academic research has benefited from the fact that the US remains a top magnet for the world's best and brightest students and graduates 16 percent of all PhDs worldwide in scientific and technical fields. In 2009, students on temporary visas were 45 percent of all graduate students in engineering, math, computer science and physical sciences—earning 43 percent of all master's degrees and 52 percent of all PhDs. New research shows that in 2011, foreign-born inventors were credited contributors on more than 75 percent of patents issued to the top 10 patent-producing universities in the United States—irrefutable proof of the important role immigrants play in American innovation. These inventions lead to new companies and new jobs for American workers, and are an enormous boon to our economy.

But after we have trained and educated these future job creators, our antiquated immigration laws turn them away to work for our competitors in other countries. Low limits on visas leave immigrants with no way to stay or facing untenable delays for a permanent visa. Top engineers from India and China face wait times of up to 9 years to get a permanent visa, and new applicants from these countries may face considerably longer waits. And while we turn away these American-educated, trained and funded scientists and engineers, there is a growing skill gap across America's industries. One quarter of US science and engineering firms already report difficulty hiring, and the problem will only worsen: the US is projected to face a shortfall of 230,000 qualified advanced-degree workers in scientific and technical fields by 2018.

The US cannot afford to wait to fix our immigration system. Even as we send away highly skilled workers trained at American universities, competing economies are welcoming these scientists and engineers with streamlined visa applications and creating dedicated visas to ensure that the foreign students who graduate from their own universities can stay and contribute to the local economy. We ask you to work together to develop a bipartisan solution that ensures our top international graduates have a clear path to a green card, so they can stay and create new American jobs. Recent polls show that there is broad, bipartisan support for this reform, and that the American people want our leaders in Washington to act. Now is the time to do so and ensure that the US remains the world's leading home for innovators.

Sincerely,

(77 SIGNATURES).

DECEMBER 4, 2012.

TO THE MEMBERS OF THE UNITED STATES CONGRESS: The Information Technology Industry Council, the Partnership for a New American Economy, and the U.S. Chamber of Commerce recently joined together to prepare a new report, released last week, ''Help Wanted: The Role of Foreign Workers in the Innovation Economy''. According to the report, foreign-born professionals in the fields of Science, Technology, Engineering, and Mathematics (STEM) are complementing—not displacing—their U.S. counterparts and the U.S. economy is in need of more STEM talent.

As Congress deliberates initiatives to reform our immigration system—including expanding visas for those with advanced STEM degrees earned at U.S. universities—the report provides evidence of critical labor force needs in America's innovation economy.

There is universal agreement that reforming U.S. education and job training to encourage more U.S. students to enter STEM occupations is essential to a strong economy. Yet these fixes will take years to yield results, and many of the talented STEM workers who could fill the gaps in our labor force are already here training in American universities. Reforming American immigration laws to allow foreign-born STEM students who earn advanced degrees from U.S. universities to stay and work in jobs where there are no available qualified American workers will fill an immediate need and promote economic growth and job creation.

Our report analyzes data from the U.S. Census and the U.S. Department of Education Integrated Post-Secondary Education Data System (WEDS) to examine employment in the STEM fields. The report confirms that:

There is full employment for U.S. STEM workers with advanced degrees: While the current national unemployment rate hovers around 8 percent, the unemployment rate for United States citizens with PhDs in STEM fields is just 3.15 percent, and 3.4 percent for those with master's degrees in STEM fields. Given that the U.S. government has defined ''full-employment'' to be 4 percent, this suggests a skills shortage of STEM professionals with advanced degrees.

In many STEM occupations, unemployment is virtually non-existent: Unemployment is particularly low in STEM occupations such as Petroleum Engineers (0.1 percent), Computer Network Architects (0.4 percent), Nuclear Engineers (0.5 percent), Environmental Scientists and Geoscientists (1.2 percent), Database Administrators (1.3 percent), Statisticians (1.6 percent), Engineering Managers (1.6 percent), and Aerospace Engineers (1.9 percent).

STEM fields employ a far higher proportion of foreign workers than non-STEM fields: In STEM fields, 26.1 percent of workers with PhDs are foreign born, as are 17.7 percent of workers with master's degrees. In comparison, in non-STEM fields, just 6.4 percent of doctoral workers and 5.2 percent of master's workers are foreign born.

STEM fields with high percentages of foreign STEM workers have low unemployment rates for US workers: Although nearly 25 percent of medical scientists are foreign born, United States medical scientists enjoy an unemployment rate of just 3.4 percent, fully five percentage points lower than the non-STEM unemployment rate (8.4 percent). Similar stories exist for STEM occupations such as physical scientists and computer software designers, where immigrants make up more than 20 percent of the field and unemployment is just 4 percent. Unemployment across all STEM occupations is just 4.3 percent, and the unemployment rate is even lower in 10 of the 11 STEM occupations with the largest proportion of foreign workers.

Foreign-born STEM workers are paid on par with US STEM workers: There is no verifiable evidence that foreign-born STEM workers adversely affect the wages of American workers by providing a less expensive source of labor. The average STEM worker actually makes slightly more than his or her United States counterpart, earning on average $61 more per week.

These findings reaffirm a December 2011 report, ''Immigration and American Jobs,'' released by the American Enterprise Institute and the Partnership for a New American Economy, which found that every foreign graduate with an advanced degree from a U.S. university who stays and works in a STEM field, creates an average of 2.62 new jobs for American workers.

We are committed to reforming our immigration system in ways that advance U.S. competitiveness, innovation, and job creation, and look forward to working with you to achieve this important goal.

Sincerely,

INFORMATION TECHNOLOGY INDUSTRY COUNCIL,
PARTNERSHIP FOR A NEW AMERICAN ECONOMY,
U.S. CHAMBER OF COMMERCE.

AMERICAN COUNCIL ON INTERNATIONAL PERSONNEL AND SOCIETY FOR HUMAN RESOURCE MANAGEMENT
November 15, 2012.

DEAR MEMBER OF CONGRESS: As you consider measures in the lame-duck congressional session to restore America's fiscal health and put our economy back on track, the American Council on International Personnel (ACIP) and the Society for Human Resource Management (SHRM) urge you to act on a key high-skilled legal immigration reform that has bipartisan support and the

backing of the U.S. business community, and that will help jumpstart U.S. growth and job creation: making green cards available for foreign-born holders of U.S. STEM advanced degrees who have a job offer.

Highly educated, foreign-born professionals have a long history of making great contributions to our economy, and this legislation will help U.S. employers to more easily recruit, hire and retain these job creators and innovators. The visas would be immediately available to these professionals, helping them avoid the decades-long green card backlog that currently plagues top talent trying to contribute to our country. This legislation will help reenergize America's competitiveness at an extremely critical time.

Our organizations, now strategic affiliates, represent thousands of employers across the country working hard to grow America's economy. While there is much to be done in the next session, this small step now will pay big dividends in keeping our economy on the right track until more comprehensive reforms can be enacted.

We encourage Congress to start building the necessary consensus needed for future immigration legislation by sending this bipartisan reform to the president for enactment before year's end.

Sincerely,

LYNN SHOTWELL,
Executive Director, ACIP.

MICHAEL P. AITKEN,
Vice President, Government Affairs, SHRM.

CONNECT,
September 19, 2012.

Speaker JOHN BOEHNER,
Majority Leader ERIC CANTOR,
Majority Whip KEVIN MCCARTHY,
Minority Leader NANCY PELOSI,
Minority Whip STENY HOYER,
House of Representatives,
Washington, DC.

DEAR LEADERS OF THE U.S. HOUSE OF REPRESENTATIVES, As a leading voice for tech start-up and emerging companies, CONNECT applauds you for your efforts to address a critical innovation policy issue by bringing to a vote the STEM Jobs Act of 2012, H.R. 6429. This important legislation will spark innovation across the U.S. and assist start-up company growth, which remains America's best job-creating engine.

CONNECT was birthed out of the University of California—San Diego over twenty-five years ago with the mission to propel creative ideas and emerging technologies to the marketplace by training entrepreneurs and connecting them to the comprehensive resources they need to sustain viability and business vibrancy. Since 1985, CONNECT has assisted in the formation and development of over 3,000 companies and is recognized as one of the world's most successful regional innovation development programs. In 2010, CONNECT won the Innovation in Economic Development Award in the Regional Innovation Clusters category presented by the U.S. Department of Commerce's Economic Development Administration.

Although much of the discussion regarding STEM visa reform centers around the benefits that will accrue to larger companies in the tech sector, it should not be overlooked that a STEM visa reform proposal like H.R. 6429 will facilitate new STEM grads to also be hired by startup and emerging companies. As both the Small Business Administration and the Kauffman Foundation have confirmed, the vast majority of America's net job growth in recent years has come from startup and emerging companies. Allowing foreign-born STEM graduates to stay in the U.S. to work in startup and emerging companies will help keep America at the edge of the frontier of global competitiveness. However, that edge is being aggressively trimmed by our foreign competitors. Thus, it is imperative we retain U.S.-educated, foreign-born STEM talent instead of forcing them to find jobs overseas with global competitors.

There is much talk in Washington about helping start-up businesses, but the STEM Jobs Act takes tangible action toward achieving that goal. We commend you for advancing this solution that will have real-world benefits for America's entrepreneurs and innovators.

In CONNECT's ''Innovation Agenda for the 112th Congress'' and ''Seven Innovation Policy Ideas to Spark an American Recovery,'' we endorsed STEM visa reform. Continuing that long-term commitment in support of the issue, we encourage the House to pass the bill and we stand ready to assist the Senate in its consideration of H.R. 6429.

Sincerely,

TIMOTHY TARDIBONO, M.A., J.D.,
Vice President of Public Policy, CONNECT.

BAYLOR UNIVERSITY,
Waco, TX, December 5, 2012.

Senator JOHN CORNYN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORNYN: Since 1845, Baylor University has promoted academic excellence and Christian service, and its achievements have been recognized around the world. As a nationally ranked research institution, Baylor is also dedicated to scientific discovery and training the inventors and entrepreneurs who will create the jobs of the future. We now have more than 70 masters and doctoral degree programs, including eleven science, technology, engineering, and math (STEM) programs. Of the Masters and PhD students enrolled in our STEM programs, 13 percent are foreign nationals. Many of these students are listed as co-inventors in patent applications filed by Baylor research teams.

Unfortunately, our innovation efforts are being undermined by U.S. immigration laws. Many of our STEM Masters and PhD students may not be able to obtain an appropriate work visa in industry because of the low cap on the number of such new visas that can be issued. They would have to return to their home country after graduation or obtain a visa in an occupation that is unrelated to their education. The House-passed STEM Jobs Act would create 55,000 additional visas for foreign nationals with an advanced STEM degree from a U.S. research institution. It represents an important step in fixing America's broken immigration system.

I encourage the Senate to pass this legislation.

Sincerely,

KENNETH WINSTON STARR.

Mr. CORNYN. Mr. President, I think the record should be clear that our side of the aisle believes we should act today and not wait and not delay further this important STEM Jobs Act for the very reason I said earlier, which is that it will help job creators and entrepreneurs.

The reason STEM visas are particularly powerful is because these individuals with special expertise in math, technology, engineering, and the like are uniquely qualified to be able to start up new enterprises and to attract and create jobs for other people. In other words, there is a multiplier effect. For every 1 of the 55,000 green cards that would be created by this act, there are hundreds of thousands of people who would enjoy jobs as a result of the economic activity in this country.

I hope we don't sacrifice another crop of science, technology, and engineering graduates in the hope that we can get the perfect immigration bill. In fact, we know this is a difficult area in which to legislate, and both sides of the aisle know we need to deal with all of the different facets of our broken immigration system. But this bill has passed the House. It is here and now. We could pass it today by unanimous consent but for the objection of our friends across the aisle and the objection, amazingly enough, of the President of the United States who himself has claimed for at least the last 4 years that he is in favor of immigration reform.

It is also an important confidence builder in terms of the acceptance of this legislation by the American people. The American people are justifiably skeptical of Congress passing another omnibus or comprehensive piece of legislation. We tried that before, and we found out that even if people have read bills going into the thousands of pages in length, many times there are unintended consequences.

So I believe it is very important that we start with this important STEM Jobs Act, that we demonstrate we are worthy of the confidence and trust of the American people when it comes to addressing our broken immigration system, in an area where we have consensus such as the STEM jobs field. I tell my colleagues they have my personal commitment that I will be there to work with them to deal with other parts of our broken immigration system as we go forward.

The best way to do that, in my opinion, is to start here. If we can't pass this legislation—and I am skeptical based upon the objection we have heard today—I wonder if we will ever be able to pass immigration reform. If we can't do this consensus bill, tell me one other piece of legislation we could pass in this field by agreement of the political parties and send it on to the President. Indeed, I think there is room to wonder whether some people in this Chamber would prefer to have this an issue they can wield in the next election rather than to join together on a bipartisan basis and to solve what is broken in our immigration system.

Let's start here. Let's build on this. We can do it today if we can just somehow avoid the objections and pass this legislation that has been passed by the House. It passes the STEM visa bill, it keeps families together, and it represents values I would think both sides of the aisle would applaud.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

MIDDLE-CLASS TAX CUTS

Mrs. MURRAY. Mr. President, middle-class families in our country today are paying very close attention to what we are doing here in Washington, DC. They really understand what is at stake. They know the impact our decisions will have on their lives, and they keep hoping their elected officials will finally come together around a budget deal that works for them.

Less than a month ago, we concluded an election season that engaged our Nation in a conversation about this very issue. Candidates for the Presidency and for the Senate on down all laid out their positions on some of the key questions we are now hoping to answer. Should the middle-class tax cuts be extended? Should the Bush tax cuts on the rich end? Should we end the Medicare guarantee for our seniors and the next generation?

Well, those big questions were discussed, argued, and clear positions were taken, and voters went to polling places on election day to render their verdict. The outcome was clear. Candidates who stood for the middle class won. Candidates who advocated for our seniors came out ahead. And in exit polls across the country, voters made very clear that they strongly supported the idea that the wealthy should pay higher tax rates and their fair share.

And everyone—Democrat, Republican, Independent; wealthy, low income, middle class; students, workers, retirees; older, younger, and in between—everyone supports extending the tax cuts for the middle class. Nobody thinks the taxes should go up for 98 percent of our workers and 97 percent of our small business owners.

This ought to be easy. The American people just weighed in supporting a continuation of the Bush tax cuts for the middle class. It is a policy Democrats and Republicans agree on, and it would cushion millions of middle-class families across the country from a significant portion of the upcoming so-called fiscal cliff.

So why isn't it already in law? Why aren't middle-class families already able to feel confident in their taxes not going up? Well, for one reason, and one reason alone. House Republicans continue to hold the middle class hostage in a desperate and deeply misguided attempt to buck the will of the people, ignore the results of this election, and protect the wealthiest Americans from paying their fair share. That is all there is to it.

If Republicans truly cared about keeping taxes low for the middle class, they can do it right now. The Senate passed a bill that would extend the tax cuts for 98 percent of families and 97 percent of workers. President Obama said he would sign it into law. He even showed us the pen. All the House has to do is let this bill come up for a vote and pass it and middle-class families can go into these holidays with the certainty they deserve.

I want to be very clear about something because some of my Republican colleagues seem intent on confusing the issue. Republicans do not have to support taxes going up on the rich in order to vote for our bill to keep taxes low on the middle class. Let me repeat that. Republicans can believe that the Bush tax cuts for the rich should be extended, they can remain committed to fighting for that misguided policy, in my opinion, and they can still vote on the portion of the tax cuts we all agree should be extended for the middle class. Then middle-class families would win, we would have worked together to extend tax cuts for 98 percent of workers and 97 percent of small business owners. Then when the middle class is taken care of, I would be happy to engage my Republican colleagues in a debate about extending the Bush tax cuts for the top 2 percent.

But the first step, the most obvious step, is for the Republican House to take the 98 percent both sides agree on, pass our Senate bill, and send it to the President for his signature.

Recently there have been some cracks in the Republican rhetorical armor that has held fast against compromise for years. More and more Republicans have begun to accept in their rhetoric what Democrats—and, frankly, every bipartisan group that has examined this issue—have known all along: A deficit deal is going to have to be balanced. It is going to have to include new revenue from the wealthiest Americans.

Grover Norquist calls these ''impure thoughts,'' but to most Americans it is common sense. Now the onus is on Republicans—and especially their leadership—to follow this encouraging rhetoric with some action. So far that has been lacking.

The lengths to which Republicans are now going in order to protect the rich from paying higher rates would be comical if it were not so detrimental. They say they have accepted that revenue needs to be on the table, but then the proposal that Speaker BOEHNER made to the President would actually cut rates for the rich. It lacks any details about where that claimed revenue would come from. And just as independent analysts confirmed about the Ryan plan, and just as we saw in the Romney plan, when you are talking about simply closing loopholes and ending deductions, either the math does not add up or the middle class ends up bearing the entire burden.

Republicans are tying themselves in knots to avoid the obvious: The easiest way to raise revenue from the wealthiest Americans is simply to allow the Bush tax cuts for the top 2 percent to expire as scheduled. That is what the Democrats want, it is what the American people support, and it would move us a long way toward the balanced and bipartisan deal we are all working to get to.

My colleague in the House of Representatives, Minority Leader PELOSI, is circulating a discharge petition to bring the Senate bill to the House floor. I strongly support this move, and I urge House Republicans to sign on and allow this legislation to come to the floor for a vote.

Democrats have proven we are willing to make the tough compromises that a balanced and bipartisan deal will require. And we have been very clear we will not allow Republicans to push through a bad deal that forces seniors and the middle class to bear this burden all alone.

I am hopeful Speaker BOEHNER and House Republicans will decide to stop holding the middle class hostage, allow the Senate bill to come to the floor, put it up for a vote, and give our middle-class families the tax cuts on which we all agree.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MALI

Mr. COONS. Mr. President, I rise today to address a challenging situation in Mali. Mali is a west African country, a country of nearly ½ million square miles, a vast country that stretches from the Sahara Desert to the Niger River area and is home to roughly 15 million people. Yet it is not at the top of the list of concerns for many Americans.

This spring, back in March, a rogue element in Mali's security forces launched a coup and forcefully overthrew a longstanding, democratically elected government in the nation of Mali, our ally. This may seem inconsequential to the average American, but it could have big implications for our security, as well that of our regional and global allies, because in the power vacuum created in that spring coup, al-Qaida saw an opportunity, and they stepped in. Three different extremist groups, all linked to or controlled by al-Qaida in the Islamic Mahgreb, or AQIM, now control an area the size of Texas in the northern part of Mali. They succeeded in fracturing a formerly stable democracy and contributing to broad security, political, and humanitarian crises that I believe have grave implications for the Sahel region and for America's interests. To put it simply, this matters.

Mali, a relatively strong democracy for more than two decades and an ally

to the United States, is now embroiled in turmoil. The United States, in partnership with the international community, must show leadership in helping it rebuild its democracy and restore its territorial integrity by reclaiming northern Mali from terrorists and extremists. So this morning, as the chair of the African Affairs Subcommittee of the Foreign Relations Committee, I chaired a hearing to assess the developments and the path forward for U.S. policy in Mali.

What I heard from our experts, from the Department of Defense, from the State Department, from the USAID, as well as a range of outside experts and one witness who testified from Bamako, the capital of Mali, was of real concern to me.

Northern Mali today is the largest terrorist-controlled area in the world. In the north, extremists have imposed a harsh and strict version of Sharia or Islamic law and committed gross violations of human rights. Many folks have heard of Timbuktu but don't know that it is an ancient city in northern Mali, a site where these Islamic extremists have behaved much as the Taliban did in Afghanistan before 9/11. They destroyed sacred religious and historic artifacts in Timbuktu, imposing a harsh version of Sharia that has meant amputations, stonings, violations of women's rights of free speech, religious exercise of rights, fundamentally changing the tolerance and exclusive history of Mali.

This created a humanitarian crisis as more than 400,000 Malians have fled, either internally displaced within Mali or going into neighboring countries as refugees.

With growing ties between these terrorists and Nigeria, Libya, and throughout the region, AQIM, we believe, may now use its safe haven in northern Mali to plan for regional or transnational terrorist attacks. Just as we should not have ignored developments in Afghanistan, which seemed a remote and troubled country when the Taliban took it over more than a dozen years ago, so too we would ignore the chaos in northern Mali at our peril.

In fact, Secretary Clinton has said that Mali has now become a powder keg of potential instability in the region and beyond. The top American military commander in Africa, GEN Carter Ham, said publicly just this week that al-Qaida is operating terrorist camps in northern Mali and is providing arms, explosives, and financing to other terrorist groups in the region. So I believe it is critical that the United States has a strong and comprehensive policy to deal with this threat.

I am concerned that the current U.S. approach may not be forward leaning enough to address all three crises—security, political, and humanitarian—in a coordinated, comprehensive, and effective way at the same time. Given the compelling U.S. interest in stability, security, and good governance in Mali, we must ensure that we don't miss the bigger picture of what this situation means for the future of Mali, to our allies, and to our security.

The U.N. Security Council is now considering what they call a concept of operations for an African-led military operation. The United States can and should play a more active role in supporting this and preventing the country from becoming a permanent home for extremists and a safe haven for terrorists.

An active role does not mean putting American boots on the ground. Instead, we can provide operational support for a regionally led, multilateral, African-led force being organized by ECOWAS, the Economic Community of West African States, and the African Union. In the weeks ahead the U.N. Security Council will likely vote on a resolution authorizing this coalition to lead a military intervention to dislodge the terrorists in the north. We have seen models like this work in Cote d'Ivoire and Somalia, so there is reason to believe in the potential of a regional military solution to the security crisis in the north.

However, even if this intervention works, it will take time to train, equip, and assemble the regional force and to develop the appropriate plans for what happens during and after a military intervention. Frankly, Mr. President, security and stability can't be restored to Mali with military action alone. The current crisis is as much about governance as it is about security. A stronger Malian democracy is the best way to ensure security and societal gains in the short term and the long term, but democracy doesn't just begin or end with an election.

One of the reasons Mali's democracy crumbled so quickly was that Malians didn't feel connected to, represented, or well served by their government. Voter turnout in the last few elections was lower and lower, with the government viewed as corrupt, social services not benefiting the relatively sparsely populated north, and institutions nationwide that were weak.

The political and security challenges in Mali are two sides of the same coin; they are not separate issues. I will urge that we break down silos between departments and agencies in our government and take a comprehensive view.

If we focus on the political only and insist on Mali moving forward briskly with an election even when the security situation will prevent most northern Malians from meaningfully participating, I think we risk unintentionally strengthening the hands of those who want to ensure that Mali's regional divide is permanent and hand a symbolic victory to al-Qaida.

On the other hand, if we rush forward with a security solution, with a regional military intervention before it is adequately planned, before they are responsibly trained and equipped, we risk defeat on that front as well.

I think we can and should do better. We can work closely with our allies, with regional partners in the international community to address all the security, political, and humanitarian crises unfolding in Mali. Effective, inclusive elections early next year should be one goal but not the only one. We also have to address the ongoing humanitarian crisis of the 400,0000 displaced persons and refugees, the more than 4.5 million people in need of emergency food aid in the region, and the security crisis of terrorists controlling an area this large.

To bring long-term peace and stability to Mali and to ensure northern Mali doesn't slide into being the base of operations for the next al-Qaida attack on our allies, our interests abroad, or even the United States, we can't afford to ignore any of the pieces of this complex puzzle. The United States simply cannot afford, despite the many distractions and other priorities facing us, to ignore Mali.

I pledge to work in close partnership with my colleagues in the Senate and with my friends on the Senate Foreign Relations Committee to ensure an effective engagement by the United States in this important area.

I yield the floor.

EXTENSION OF MORNING HOUR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent morning business be extended until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, last week I came to the floor and spoke about our Nation's military and intelligence leaders acknowledging, along with our Nation's scientific leaders, the clear evidence that carbon pollution is changing our climate. Unfortunately, there continues to be some confusion among many Americans regarding the clear scientific consensus, but that is confusion caused by coordinated and deliberate attempts to mislead the American people.

For more than two decades now, the climate denial movement has been well-organized and funded by the fossil fuel industry and conservative ideologues and foundations. The mission of these paid-for deniers is to ''manufacture uncertainty,'' to manufacture doubt so the polluters can keep on polluting.

This isn't a new strategy. We have seen self-serving strategies such as this before. These strategies questioned the merits of requiring seat belts in cars. They questioned CFCs causing deterioration of the ozone layer. They questioned the toxic effects of lead exposure for children. They questioned whether tobacco was really bad for people—the same strategy to manufacture

doubt, and often, actually, the same cast of characters was involved.

While the Congress of the United States has been distracted and deceived by these ploys, climate change marches on. The laws of chemistry and the laws of physics don't care about the nonsense we are up to in this building. They do what the laws of chemistry and physics say. Precious time is wasting. In the balance hangs lives and jobs. This nonsense has gone on long enough.

The public is being misled. Special-interest dollars pull the strings of sophisticated campaigns to give the public the impression that there is a real scientific debate regarding whether climate change is happening. Well, there isn't. There just isn't. The real scientific debate is about how bad the changes will be.

Here is one example out of my home State, the Warwick Beacon, in an article entitled, ''Sandy: A wake up call to climate change.'' It describes the head of our Coastal Resources Council, saying—he is talking about the sea level rise:

> I can tell you that it is real. I can't tell you how fast or how bad it is.

That is what I said. The real scientific debate is actually about how bad the changes are going to be.

To manufacture doubt to allow the polluters to keep polluting, skeptics with little training in climate science are promoted as experts. Front groups such as the Global Climate Coalition, Information Council for the Environment, Heartland Institute, Annapolis Center and Cooler Heads Coalition are created or enlisted to propagate this message of doubt. Deniers question the motives and engage in harassment of the real credentialed climate scientists.

Well, for the record, there has been scientific debate regarding climate change. Ideas have been tested, theories have been ventured, and the evidence keeps coming back to the same conclusion: Increased carbon dioxide in the atmosphere from human-related sources is strengthening the greenhouse effect, adding to recent warming and acidifying the oceans.

Actually, the evidence coming in tends to confirm the worst and most dangerous projections. Claims, for instance, that solar activity is causing recent global warming, and even about whether the atmosphere is really warming, have been settled. But when the scientific research doesn't work out for the skeptics, they turn to straw man arguments. One straw man is that extreme weather events such as hurricanes and droughts aren't proof of climate change.

Well, let's be clear. No credible source is arguing that extreme events are proof of climate change. But extreme events are associated with what has been staring us in the face for years: The average global temperature is increasing, average sea level is rising, and average ocean acidity is increasing. When averages change, extremes usually change with them, and a warming climate, to use the best example, loads the dice—loads the dice for extreme weather.

So let's look at some of the games that the deniers display to try to manipulate public opinion. One gimmick they have reverted to is the observation that there has been no warming trend in the last 10 years—no warming trend, they say, in the last 10 years.

In 2010, a Republican Senator said: I don't think that anyone disagrees with the fact that we actually are in a cold period that started about 9 years ago.

Well, let's look at the facts. Let's start with the green line on this graph. The green line is the global surface temperature data. It is not a protection, it is not a hypothesis, it is a measurement. This is global surface temperature data. As you can see, it changes monthly.

The red line that goes through it is the trend line that is mathematically developed from that data. That trend line is the product of basic and undeniable mathematics.

The trend is extremely clear.

So let's look at what the deniers do with the very same data. Here they take the very same data, and the green line is unchanged. It is exactly the same data, and this is how they get to saying that we have had a cooling period for the past 10 years. They pick a high point, and they pick a low point out of this data, and they say that is their 10-year cooling period.

The problem is, if you go back, here is another one, here is another one, here is another one, and here is another one. It is interesting how all the cooling periods stack up to an increase.

It is a little bit like—who was the guy on the radio? He explained something to you, and it didn't seem quite right. Then he would say: ''Paul Harvey, what's the rest of the story?''

So the rest of the story is that if someone picks one piece of data out of a line that is going like this and then they go forward and pick a lower one later, they can manufacture the hypothesis there has been no warming trend in the last 10 years. But if we do it legitimately, if we run an actual trend line with mathematical precision through the data, it shows this theory is nothing but misleading bunk—misleading bunk—designed for the purpose of creating confusion.

This period, of course, is only a recent portion of the temperature record. When skeptics and deniers look deeper into the past, they find even more strawmen—that the Earth's climate always changes; that it has been warmer in the past. Yes, the Earth has seen different climates in the past, not all ones we would necessarily want to live in, by the way. The reason we know about these climates is because of the excellent work done by scientists—the same scientists who tell us that recent climate change can only be explained by increased carbon dioxide in the atmosphere. The final classic is that more carbon in the atmosphere is good because it provides more food for plants, the old plant food theory.

The fact is we have changed the composition of our atmosphere, pushing the concentration of carbon dioxide beyond the range it has been in for 8,000 centuries. For 8,000 centuries, it has been between 170 and 300 parts per million. For the first time this past year, it touched 400 parts per million in the Arctic. To give a time scale of what 8,000 centuries means, the practice of agriculture has been around for about 100 centuries. That is 8,000 centuries in this safe zone of carbon concentration of our atmosphere, with only 100 centuries of those with the human species, even farmers. Modern humans began to migrate out of Africa 600 centuries ago. Once again, 8,000 centuries of this safe climate belt of carbon concentration and 600 centuries of our species leaving Africa and migrating to populate the rest of our planet. Homo sapiens, our species, appeared around 2,000 centuries ago.

We are messing with planetary concentrations of atmospheric carbon that go back four times longer than our species has inhabited this planet. In all that time, in those 8,000 centuries, the Earth has never reached carbon dioxide concentrations as we have caused now through human activity.

Deniers also tend to just flat ignore the facts they can't explain away or gimmick the data for. For example, the increased acidification of the oceans, that is something that is simple to measure. It is undeniably chemically linked to carbon concentrations in the atmosphere. So we hear nothing about ocean acidification from the deniers. But ocean acidification is possibly the most disastrous consequence of our carbon pollution. The rate of change in acidity of our oceans is already thought to be faster than at any time in the past 50 million years.

I was talking a moment ago about being outside a boundary of carbon concentration or atmosphere that has persisted for 8,000 centuries. We are talking now about a rate of change of acidity in the ocean that hasn't been seen on this planet in the past 50 million years. A paper published this March in ''Science'' concluded the current rate of carbon dioxide emissions could drive chemical changes in the ocean unparalleled in the last 300 million years.

We are effecting changes in our atmosphere and in our oceans that only compare to ancient periods of geologic time. When we consider the implications for food security, biodiversity, and ocean-based industries, we cannot ignore these changes in our oceans.

Coincidentally, just last Friday, the National Oceanic and Atmospheric Administration proposed listing 66 species of coral as endangered or threatened and cited climate change as driving three key threats: disease, warmer seas, and more acidic seas.

It might be worth reminding the deniers what NASA says. The National Aeronautics and Space Administration—NASA—says this about climate change and our global temperature rising.

All three global surface temperature reconstructions show that Earth has warmed since 1880. Most of this warming has occurred since the 1970s, with the 20 warmest years having occurred since 1981 and with all 10 of the warmest years occurring in the past 12 years. Even though the 2000s witnessed a solar output decline resulting in an unusually deep solar minimum in 2007–2009, surface temperatures continue to increase.

On ocean temperatures and sea level rise, NASA said:

The oceans have absorbed much of this increased heat, with the top 2,300 feet showing warming of 0.302 degrees Fahrenheit since 1969. Global sea level rose about 6.7 inches in the last century. The rate in the last decade, however, is nearly double that of the last century.

On ocean acidification, this quote from NASA:

Since the beginning of the Industrial Revolution, the acidity of surface ocean waters has increased by about 30 percent. This increase is the result of humans emitting more carbon dioxide into the atmosphere.

Let me say that again:

This increase is the result of humans emitting more carbon dioxide into the atmosphere. The amount of carbon dioxide absorbed by the upper layer of the oceans is increasing by about 2 billion tons per year.

NASA scientists put a man on the Moon. NASA scientists have a rover right now driving around on the surface of the planet Mars. They are not the quacks. Our Nation's best and brightest minds accept the evidence of climate change and they are urging us to act.

Yet still, for some in this body, the deniers carry the day. Why? In a weekend editorial entitled ''Flight from Facts''—''Flight from Facts''—my home State Providence Journal said:

[The] GOP is winning the race to avoid evidence—some of this escapism based on a desire to hold on to what had been comforting, if error-based, traditional beliefs, and some of it to avoid policies that might be economically and otherwise inconvenient.

Whatever the reason, the price of our folly will be very high for future generations.

One of the things I have noticed on this floor is that when it is a question of putting the cost of taking care of their grandparents on our children and grandchildren, oh, how the Republican crocodile tears flow about that unfair burden on children and grandchildren. In one of their attacks on Medicare and Social Security, which the Republicans like to call entitlements, we heard this:

We have got a serious spending problem here . . . and we need to have an impact on entitlements . . . if we're going to have entitlements for our children and grandchildren when they reach retirement age, we have got to change the trajectory.

The minority leader has also spoken about what appears in his remarks to be the health care bill—the ObamaCare bill—and he worried about it ''creating a more precarious future for our children.''

The minority leader has said this about the stimulus effort to get our economy back on its feet: ''This needs to stop for the future of our country and for our children and for our grandchildren.''

When it is the deficit, he has urged us ''to make sure we have the same kind of country for our children and grandchildren that our parents left for us.'' He has even talked about ''the Europeanization of America,'' and as a result of that Europeanization of America—whatever that is—he has said, ''Our children and grandchildren could no longer expect to have the same opportunities that we've had.''

On virtually every traditional anti-Obama Republican tea party bugbear—Medicare, ObamaCare, the stimulus, the deficit, even this Europeanization of America—out come the children and grandchildren. Let's assume they are sincere. Let's assume they have a sincere concern for what we are leaving to our children and grandchildren.

So when it comes to big corporate polluters of today leaving our children and grandchildren a damaged and more dangerous planet, where then is the concern for those children and grandchildren? To have children and grandchildren pay for the care of their grandparents through Medicare and Social Security is some kind of sin or outrage, but to force on those same children and grandchildren the untold costs and consequences of the harms done by today's corporate polluters, what do they have to say about that? For that, the future generations' interests receive nothing from the Republican Party but stony silence or phony and calculated denial.

But the cost will be on them. The cost of our negligence and folly in not addressing our carbon pollution will fall on our children and our grandchildren. The cost will be on them and the shame will be on us.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. WICKER. I ask unanimous consent to speak as if in morning business for up to 6 minutes.

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

RUSSIA TRADE RELATIONS

Mr. WICKER. Mr. President, in a few moments the distinguished chair of the Finance Committee and the Senator from Utah will commence debate on H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012. Because of scheduling concerns, I am speaking on this in morning business, and that will allow time for other Members to speak.

I come to the floor today to support this bill. It has a very important twofold purpose: It approves normal trade relations with Russia, and at the same time the legislation insists that the Russian Government adhere to the rule of law. It does so by putting consequences in place for those in Russia who abuse basic human rights.

Granting PNTR to Russia is a big win for Americans. If Congress does not act, American workers, including millions employed by small businesses, stand to lose out to foreign competitors as Russia opens its market as a new member of the WTO.

Many in my home State of Mississippi and around the country deserve to benefit from increased trade that this new relationship would bring. More jobs and greater economic growth are our potential rewards here in the United States. Last year Mississippi's $55 million in exports to Russia helped support an estimated 170 jobs. Certainly this number needs to grow, and I believe it will under this legislation.

Yet in realizing the immense trade potential at hand, we cannot ignore the urgent need to address serious concerns about Russia's appalling human rights record. Most agree that the Jackson-Vanik amendment currently in place is an outdated restriction on trade which could hurt American competitiveness. But repeal alone will not suffice when dealing with a country that continues to protect corrupt officials, and that is what the Russian Government continues to do.

The Sergei Magnitsky Rule of Law Accountability Act is a necessary replacement for Jackson-Vanik. The legislation targets human rights violators by imposing restrictions on their financial activities and travel. It recognizes that the privilege of using America's banking system and acquiring a U.S. visa should be denied to those who disgrace human dignity and justice.

Facts need to be retold today about the case of Sergei Magnitsky after whom this legislation is named. Sergei Magnitsky was a lawyer and partner with an American-owned law firm based in Moscow. He was married and had two children. In his investigative work on behalf of the Hermitage Fund, the largest foreign portfolio investor in Russia, Mr. Magnitsky uncovered the largest tax rebate fraud in Russian history. He found that Russian Interior Ministry officers, tax officials, and organized criminals had worked together to steal $230 million in public funds.

In 2008 Mr. Magnitsky voluntarily gave sworn testimony against officials from the Interior Ministry, Russian tax departments, and the private criminals whom he discovered were complicit in the fraud. A month later, instead of being commended for doing the right

thing, Mr. Magnitsky was arrested in front of his wife and children and placed in pretrial detention. He was held without a trial for 1 year. The Russian Federal Security Service deemed Mr. Magnitsky was a flight risk to prolong his detention, based on false claims that he had a U.K. visa application.

While in custody, Mr. Magnitsky was tortured by officials, hoping he would withdraw his testimony, and falsely incriminate himself and his client. Refusing to do so, his conditions and his health worsened. He stayed in an overcrowded cell with no heat, no sunlight, and no toilet. The lights were kept on throughout the night to deprive him of sleep. Mr. Magnitsky lost 40 pounds and suffered from severe pancreatitis and gallstones.

Months went by without any access to medical care. Despite hundreds of petitions, requests for medical examination and surgery were denied by Russian Government officials. So were family visits. After his arrest Mr. Magnitsky saw his wife once and never again saw his children.

On November 13, 2009, Sergei Magnitsky's condition deteriorated dramatically. Doctors saw him on November 16. He was transferred to a Moscow detention center that had medical facilities and, instead of being treated there immediately, he was placed in an isolation cell, handcuffed, beaten, and subsequently Sergei Magnitsky died.

After his death, Russian officials repeatedly denied the facts surrounding his health condition. Requests by his family for an independent autopsy were rejected. Detention center officials said Mr. Magnitsky's abdominal membrane had ruptured and that he died from toxic shock. The official cause of death would blame heart failure.

According to the Russian State Investigative Committee, Mr. Magnitsky was not pressured and tortured but died naturally of heart disease. The committee said his death was ''nobody's fault.''

For 3 years not a single person has been prosecuted for Mr. Magnitsky's false arrest, torture, murder, or for the massive fraud that he had the courage to expose. Like many of my colleagues, I continue to have real concerns about the current state of human rights and rule of law in Russia. I have come to the floor on numerous occasions demanding accountability for Russia's rampant extrajudicial offenses.

Tragically, Mr. Magnitsky is not the only victim of the country's criminal regime. The cases of Mikhail Khodorkovsky and Planton Lebedev, who remain in prison, are also poignant examples of the corruption that pervades the Russian Government. My friend, the junior Senator from Maryland, has shown tremendous leadership on this issue and I commend him for his steadfast dedication to the highest standard of democracy and justice. I have long supported Senator CARDIN's efforts to use the Magnitsky Act as a way to protect human rights globally.

The Magnitsky Act is a simple straightforward call for justice. It signals to the world that America will uphold its commitment to the protection of human rights and the rule of law. It is a tool that could be extremely powerful in penalizing human rights violators everywhere. Many of us had hoped to achieve a bicameral consensus in applying the Magnitsky Act globally. Although global language is not included in the House bill being considered today, sanctions against human rights violations in Russia and within the Russian Government are still an important victory. It moves us in the right direction.

I hope we can work in the next Congress to consider broadening the reach of the Magnitsky Act. Russia is not alone in its human rights abuses and the United States' unwavering stance against corruption should not stop there.

PNTR with Russia is an important vehicle for American trade and it should serve as a reminder of our country's role in promoting the advancement of human rights. At the same time, I remain committed to supporting this role as we move forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

EXTENSION OF MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that morning business be extended until the majority leader comes to the floor.

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

The Senator is recognized as in morning business.

RUSSIA-MOLDOVA PNTR

Mr. KERRY. Mr. President, the chairman of the Finance Committee, Senator BAUCUS, is tied up right now with a scheduling conflict, working on the fiscal cliff issue, so he asked me if I would kick off the debate with respect to the Russia PNTR, H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012.

I am very happy to do this on behalf of Senator BAUCUS. We share a great partnership together as chairman of our two committees focused on trade and on the relationship with Russia, both of which come together in the legislation today.

I would be remiss, however, if I didn't say a word about what consumed us yesterday with the vote on the disabilities treaty. It is certainly a moment that stands out in my memories of my time in the Senate. I can't think of any other time when a former majority leader has come to the floor—a veteran—who sought to have his colleagues join together in supporting something that would improve the lives of people with disabilities.

I am not going to go back and reargue it now. That would be fruitless and I think not helpful to where we want to move to. What we want to move to is a place where we can pass this. I can say—I believe this—I can say to Senator Robert Dole that we will pass the disabilities treaty and we will pass it, I believe, early next year. I base that on the fact that some Senators had difficulties with the fact that we are in a lameduck session and they had signed a letter which, regrettably, some of them didn't digest completely but nevertheless signed, saying they wouldn't take up a treaty in a lameduck session and I think some felt compelled by that and others felt compelled by other things.

But here is what I think we can do. Starting next year, I believe we can move to additional hearings that can make crystal clear to all colleagues the state, as it may not have been yesterday in some cases, with respect to both the law and the facts as it applies to persons with disabilities. I pledge now to make certain that within the resolution of advice and consent, any concern that was not adequately addressed—I personally believe they were addressed—it is possible we can find the language that will address the concerns of any Senator who yesterday felt—whether it was the United Nations or homeschooling, I believe those things can be adequately addressed. I do know a number of Senators said they would be prepared to vote for it after we are out of the lameduck session, and I am confident we will pass the disabilities treaty in a different atmosphere and in a different time.

One of the things I learned from my senior colleague Ted Kennedy, who did this for so many years, is that perseverance pays off when the issue is worth fighting for and we always have another day and another vote in the Senate. That always affords us the opportunity to make things right. We are certainly going to try and do that.

This PNTR-Magnitsky bill is, in fact, one of those opportunities where we can start to put the Senate on the right track, and I think all of us look forward to the chance to be able to do that.

This bill passed the House of Representatives by a huge margin of 365 to 43. What it would do is establish permanent normal trade relations for Russia, and it would require the identification and imposition of sanctions on individuals who are responsible for the detention, abuse and death of Sergei

Magnitsky and other gross violations of human rights.

Let me make my best argument, if I can, in favor of the bill, and then I wish to turn the discussion over to the ranking member, Senator HATCH, to present his case for passage. After that, the Presiding Officer of the Senate at this moment, the Senator from Maryland, Mr. CARDIN, will lead a discussion of the provisions of the act related to honoring the memory of Sergei Magnitsky and combating the types of human rights abuses that led to his premature and tragic death. I wish to congratulate the Presiding Officer and salute him for his significant efforts. He has been dogged, and that component of this legislation would not be here today if it weren't for the efforts of the Senator from Maryland. Chairman BAUCUS will then have been able to return to manage the rest of the consideration on the floor at that time.

As the Presiding Officer knows, Chairman BAUCUS and I lead the two Senate committees that are charged with overseeing the twin pillars of America's unique role in the world. Our commitment to open, transparent and free markets and our commitment to democracy and open discourse is a force for international peace. We believe our global economic interests and our foreign policy values are closely tied together. They should be closely tied together. That is why we urge our colleagues to seize this opportunity that Russia's accession to the World Trade Organization presents for both job creation and our ability to bind Russia to a rule-based system of trade and dispute resolution.

Granting Russia permanent normal trade relations is as much in our interests as it is in theirs. Frankly, that is what ought to guide the choices we make in the Senate. The upside of this policy is clear on an international landscape. It is one that rarely offers this kind of what I would call, frankly, a kind of one-sided trade deal—one that promises billions of dollars in new U.S. exports and thousands of new jobs in America. That is certainly in our interests.

Today, Russia is the world's seventh largest economy. Having officially joined the WTO on August 22, Russia is now required by its membership in the WTO to lower tariffs and open to new imports. That sudden jump in market access is, frankly, important to any country that is the first country through the door, and if we don't pass this trade legislation, we will not be among those countries.

I can tell my colleagues Massachusetts, speaking for my State, welcomes access to the Russian market, and we want that access to be played out on a level playing field. The State of Massachusetts exported $120 million worth of goods to Russia last year, and those exports obviously support hundreds of jobs. But if we don't pass this bill, those exports will face competition from other countries that will not pay the same high-level tariff we currently pay.

Let's take one specific example. Massachusetts exported $18.5 million in medical equipment to Russia in 2011, but we face strong competition from China, which has increased its share of the Russian market in each of the last 10 years. We don't shy away from strong competition, but we want that competition to be able to be played out on an even playing field. As long as we don't have normal permanent trade relations with Russia, we are disadvantaging ourselves. It simply doesn't make sense. Since joining the WTO, Russia agreed to reduce average tariffs on medical equipment to 4.3 percent and to cut its top tariffs from 15 percent down to 7 percent. As it stands now, that is a benefit China will get and we will not. It simply doesn't make sense to anybody.

To grant Russia PNTR status requires us to repeal the 1974 Jackson-Vanik amendment. A lot of our staff members, I hasten to say, were not even born back when Jackson-Vanik was put in place. Many of our colleagues and a lot of our staff have studied the Soviet Union but have never experienced that period of time. What we are living with is a complete and total relic of a bygone era.

Congress passed Jackson-Vanik during the Cold War to pressure the Soviet Union to allow Russian Jews to be able to emigrate freely. It was very successful. It worked, and as a result, the Kremlin worked with us and others to help Jews be able to emigrate. As a result, every single U.S. President has, regardless of political party, waived Jackson-Vanik's requirements for Russia since 1994. The American-Israel Public Affairs Committee, the National Conference on Soviet Jewry, and the Government of Israel now all support the repeal of Jackson-Vanik for Russia. With too many Americans still searching for jobs all across our country, our manufacturing sector needs every boost it can get. We cannot afford to retain Jackson-Vanik any longer. This is in America's interest. Despite progress, our trade deficit remains too wide, and I think that seizing this opportunity to increase exports to Russia is one very obvious way to be able to make concrete progress in reducing that trade deficit.

U.S. exports to Russia total more than $9 billion a year. Establishing PNTR for Russia could double that number in just 5 years, according to one recent study. That could mean thousands of new jobs across every sector of our economy. With the Russian economy's impressive growth, it is actually—Russia is expected to outgrow Germany by about 2029, so it is steadily growing in the world marketplace. The long-run gains for everybody would be even greater.

None of us is going to suggest that every issue with respect to Russia has been resolved. We know there are still points of tension, and some of them in the foreign policy area are very relevant today, for instance, over Syria. We understand that. We hope recent events in Syria may be moving Russia and the United States closer in terms of our thinking. But it is only a good thing to bring Russia into a rules-based system with mechanisms for peaceful, transparent dispute resolution.

There is no debate—and I think the Presiding Officer knows this full well—that the very tragic and senseless death of anticorruption lawyer Sergei Magnitsky, who died while in Russian custody—is simply unacceptable. It is appalling, and it highlights a human rights problem that has grown in its scope, not diminished. It is one we hope to be able to resolve with good relationships and good discussions.

Senator CARDIN, the sponsor of that legislation in the House and in the Senate, is going to speak shortly about it, and I will leave him to describe in full the nature of that particular component of this bill. But suffice it to say that human rights, democracy, and transparency activists in Russia favor the passage of constructive human rights legislation in our Congress, and they also see WTO membership and increased trade for the United States as an avenue toward progress. So there is no contradiction in what is happening. They understand, as we all should, that repealing Jackson-Vanik is not a blanket acceptance of any particular policy or approach in Russia. It is certainly not an acceptance of what happened with respect to Sergei Magnitsky and that is because of the Magnitsky legislation.

Repealing the bill—repealing Jackson-Vanik—is not an economic giveaway to Russia. To the contrary, it represents, as I have described, an enormous opportunity for the United States to compete on a fair playing field with other countries and to create more jobs in the United States. By establishing PNTR with Russia, U.S. businesses will win increased market access without giving up anything in return. There would be no tariff changes, no market concessions, nothing. It, frankly, diminishes the willingness of some hard-liners in Russia to distort the current dialog and to distort the possibilities of a better relationship, which we want with Russia. By taking this away, we will reduce the abuse of Jackson-Vanik as a rhetorical tool to rally anti-American sentiment in Russia. I believe we can do something very important here today and both our economy and our foreign policy will be better for the effort.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Utah.

Mr. HATCH. Mr. President, we will soon vote on H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012. The trade elements of the bill are identical to legislation which passed the Senate Finance Committee by unanimous vote on July

18, 2012. The bill repeals the application of the Jackson-Vanik amendment to Russia and Moldova, which will enable U.S. workers and job creators to fully benefit from Russia and Moldova's accession to the World Trade Organization. The bill will also put into place new tools to help stop human rights abuse and battle systemic corruption within Russia.

After 18 years of hard fought negotiations under both Republican and Democratic administrations, President Obama finalized the terms of Russia's accession to the WTO on November 10, 2011. Russia was invited to join the organization on December 16, 2011, and officially joined in August of this year. Now that Russia is a member of the WTO, for our workers to benefit Congress has no choice but to extend permanent normal relations to Russia through repeal of the application of the Jackson-Vanik amendment.

Russia is now a member of the WTO, but they are under no obligation to extend the economic benefits of their membership to the United States unless we have permanent normal trade relations. Simply put, if Congress does not act, our workers and exporters will be at a serious disadvantage in trying to export their goods and services to the Russian market, and that will cost us jobs at home. Given our weak economic recovery, if it is a recovery, it is critical that Congress does everything it can to help U.S. workers to compete.

There are many economic benefits to Russia's WTO accession. Under the terms of its accession, Russia must cut tariffs on manufactured products, reduce duties on farm products, open its service markets to U.S. firms, meet international intellectual property rights standards, and reduce customs clearance fees. If Russia fails to meet any of its commitments, Russia will be subject to WTO dispute settlement proceedings.

Russia is an attractive market for American exporters. It is the world's 11th largest economy with more than 140 million consumers and the last major economy to join the World Trade Organization. American companies and workers must compete on a level playing field with their foreign competitors in Russia to succeed.

When President Obama first asked Congress to remove Russia from longstanding human rights legislation and grant permanent normal trade relations for Russia, he suggested that we do it unconditionally. Even before Russia joined the WTO, President Obama and his team argued that Congress should quickly pass a clean bill. Given the myriad problems we have with Russia, it has always been very hard for me to understand this position. President Obama and his team appeared almost manic in their attempts to avoid offending President Putin and his government or doing anything at all to upset their failed reset policy.

Fortunately, just as Congress did in 1974 when they created Jackson-Vanik, we insisted on more. Working side by side with our Senate and House colleagues in both parties, we drafted a bill which serves our economy and replaces the application of the Jackson-Vanik amendment with policies more appropriate for the realities in Russia today. We should all be justly proud of our bipartisan effort. Basically, the bill we will vote on fills many of the gaps in President Obama's policy toward Russia.

For example, rather than ignore continuing human rights abuses and corruption in Russia, my friends and colleagues, Senators MCCAIN and CARDIN, joined together with many others to craft a bill to help combat deep-rooted and institutionalized corruption within Russia. This bill became the Sergei Magnitsky Rule of Law and Accountability Act. By the end of this debate, the American people will be intimately familiar with the name Sergei Magnitsky.

Briefly, Sergei was a Russian tax lawyer investigated by the Russian Government for alleged tax evasion and fraud. In reality, Sergei was targeted by government officials for his role in uncovering tax fraud and corruption within the Russian Government. Sergei was arrested and held for 11 months without trial. While in prison, Sergei was subject to mistreatment and torture and was eventually beaten to death. Unfortunately, such sad stories are all too common in Russia today.

Rather than tolerate such injustice, my friends, Senators MCCAIN and CARDIN, introduced legislation to impose sanctions on individuals responsible for, or who benefited financially from, the detention, abuse, and/or death of Sergei Magnitsky, as well as other human rights abusers. Their efforts resulted in the inclusion of provisions in this bill which impose visa restrictions and asset freezes on those involved in human rights abuses in Russia.

This will be a powerful new tool to battle corruption within Russia, as corrupt Russian officials will no longer be able to travel to the United States or hide their ill-gotten gains in many Western institutions.

The Magnitsky Act represents an admirable replacement of the Jackson-Vanik amendment, and it is designed to address the situation in Russia today. President Obama opposed efforts to include these provisions, concerned that holding Russian Government officials accountable for their crimes might offend President Putin and undermine the administration's ill-conceived reset policy.

I am proud that my House and Senate colleagues stood firm on the side of justice and demanded that these provisions be included. Jackson-Vanik served its purpose with respect to Russia and should be revoked, but in its place we should respond to Russia's continued corruption and human rights violations.

There were many other gaps in President Obama's Russia policy. To help fill these gaps, I worked with my Senate Finance Committee colleagues to add provisions to the permanent normal trade relations bill introduced by our chairman, Mr. BAUCUS, that address a number of these issues.

First, I worked with Senator KYL to develop language to further advance anti-corruption efforts in Russia by requiring the U.S. Trade Representative and the Secretary of State to report annually on their efforts to promote the rule of law and U.S. investment in Russia. We also included a provision to assist U.S. businesses, especially small businesses, to battle corruption in Russia by requiring the Secretary of Commerce to devote a phone hotline and secure Web site to allow U.S. citizens and businesses to report on corruption, bribery, and attempted bribery in Russia and to request the assistance of the U.S. Government if needed.

I was also highly disappointed that the administration did not finalize an SPS equivalency agreement with Russia before agreeing to let them join the WTO. Under an SPS equivalency agreement, Russia would recognize our food safety standards as equivalent to its own, thereby reducing costs and burdensome paperwork on U.S. exporters. Today's bill requires the Trade Representative to continue efforts to negotiate a bilateral SPS equivalency agreement with Russia. In an effort to apply continued pressure on the administration to resolve these problems, we included language requiring the Trade Representative to report to Congress annually on Russia's implementation of its WTO sanitary and phyto-sanitary obligations.

Intellectual property rights protection in Russia remains poor. To make sure that Russia meets its commitments in this area, we included language requiring the Trade Representative to report annually on Russia's compliance with its WTO intellectual property rights obligations. As part of its accession package, Russia committed to joining the WTO Information Technology Agreement. Once they are a member, this agreement will allow a number of additional U.S. high-technology products to be exported to Russia duty free. Unfortunately, Russia has to date failed to fully live up to this commitment, even though Russia became a member of the WTO in August. To ensure that the administration holds Russia's feet to the fire, the Trade Representative must report annually on Russia's compliance with this commitment as well as its commitment to join the WTO Government Procurement Agreement.

When Ambassador Ron Kirk testified before the committee in June, he committed to continue efforts to develop an intellectual property rights action plan which implements Russia's obligations under a 2006 bilateral IPR agreement with the United States. That agreement goes beyond Russia's WTO

commitments, requiring, among other things, that Russia take enforcement actions against Russia-based Web sites posting infringing content, implement the World Intellectual Property Organization copyright treaty and performances and phonograms treaty, and enact a system of data exclusivity for pharmaceuticals.

I understand the administration is working on completing that action plan quickly and that our workers will soon be able to benefit from the agreement reached in 2006. To ensure that this is the case, this bill requires the administration to continue efforts to finalize that agreement.

Russia's WTO commitments go far beyond intellectual property rights. Given President Obama's past reluctance to hold Russia accountable for its actions, I wanted to make a tool available to Congress and the American people to put pressure on the administration to make sure that Russia lives up to its international commitments. So we included language which provides an opportunity for public comment and hearings on Russia's compliance with its obligations. If there are areas where Russia is not in compliance with its obligations, the administration is required to develop an action plan to address them and then provide an annual report on their enforcement efforts to bring Russia into compliance.

I believe this package of modifications vastly improves the bill. The Trade Representative's general counsel apparently agrees, stating during congressional testimony that ''this bill provides the strongest package of enforcement measures for us at USTR to move forward and ensure full compliance once Russia joins the WTO.''

It was over 30 years ago that Senator Henry Jackson and Congressman Charles Vanik stood up to their President and demanded that the administration address policies that denied individuals, especially Jews, the right to emigrate from Russia and other communist nations. Their work became known as the Jackson-Vanik amendment. The policies embodied in that amendment helped create the environment for literally hundreds of thousands of Jews to emigrate from the former Soviet Union, many of them to their homeland of Israel.

Jackson-Vanik served its purpose in Russia, but today we act to address the issues on the ground in Russia as we debate this bill. Today Congress will once again lead the way to help shape the future of U.S.-Russian relations. Approval of this bill will help establish a framework for addressing the myriad economic problems we face with Russia's Government. If the administration uses these tools effectively, we will see the fruits of our efforts, as we one day work side by side with a Russia free from corruption and in full compliance with its international obligations. I urge my colleagues to join me—and my colleagues on the other side of the floor and my colleagues here who are for this bill—in support of this bill.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. I understand we are, in effect, debating Russian PNTR. Robert Louis Stevenson once said, ''The mark of a good action is that it appears inevitable in retrospect.'' When I traveled to Russia in February, many doubted that Congress would establish permanent normal trade relations, known as PNTR, with Russia this year. But in July the Senate Finance Committee unanimously approved legislation to do just that. And last month the House of Representatives passed very similar Russia PNTR legislation with 365 ''yes'' votes. Passing PNTR clearly is a good action for the United States. It is also an obvious one. Why obvious? Jobs. PNTR will mean more job opportunities for American farmers, ranchers, businesses, and workers.

Russia is a fast-growing market. For the United States to share in that growth, we must first pass PNTR. If we do, American exports to Russia are projected to double in 5 years. When Russia joined the World Trade Organization in August, it lowered its trade barriers to all WTO members who have PNTR with Russia. This is no small matter.

It includes lower tariffs on aircraft and auto exports, larger quotas for beef exports and greater access to Russian telecommunications and banking markets. It also includes strong commitments to protect intellectual property and to follow sound science on agricultural imports. It includes greater transparency on Russian laws and binding WTO dispute settlement. All very important.

One hundred fifty-five countries already receive these benefits in Russia. They receive those benefits right now. That is to say, every single member of the World Trade Organization—all 155 countries—except one, the United States of America, receives those benefits. So right now, companies and workers in China, Canada, and Europe can take full advantage of these export opportunities in Russia, the world's sixth largest economy. But U.S. companies and workers cannot.

We cannot let this stand. When Russia joined the World Trade Organization in August, we Americans gave up nothing. We will give up nothing if we pass PNTR legislation now. We change no U.S. tariffs, we change no U.S. trade laws. This is a one-sided deal in favor of American exporters.

In my home State of Montana, one out of five 5 jobs today is tied to agriculture. Ranching is a major driver of our agricultural economy. When Montana ranchers can sell more beef in Russia, they can support more workers in Montana. It is that simple. It is a similar story in States all across our country.

I know that passing PNTR will not solve all of our trade problems with Russia, but it gives us new tools to tackle these problems, such as binding dispute settlements. Thanks to the efforts of Senators HATCH, STABENOW, ROCKEFELLER, BROWN of Ohio, and others, this bill includes strong measures to ensure Russian compliance with its WTO obligations and that the administration enforces them.

This legislation also includes the Sergei Magnitsky Rule of Law Accountability Act to help fight criminal rights abuses in Russia. In 1974, Senator Jackson and Congressman Vanik teamed together to pass legislation called the Jackson-Vanik bill, which this legislation repeals. Jackson-Vanik addressed one of the biggest human rights abuses in Russia at that time. And it succeeded. For the last 20 years, Jews have been able to freely emigrate from Russia, what Jackson-Vanik was trying to address.

Jackson-Vanik is outdated. Jews can emigrate from Russia and this is no longer an issue. Senator CARDIN has courageously pushed the Magnitsky legislation for years. I commend him. The Magnitsky provisions in this legislation address one of the biggest human rights abuses in Russia today. The bill would punish those responsible for the death of anticorruption lawyer Sergei Magnitsky and others who commit human rights violations in Russia. It would do so by restricting their U.S. visas and freezing their U.S. assets.

Passing PNTR along with these provisions is the right thing to do. In closing, I urge my colleagues to follow the words of Robert Louis Stevenson and take good action. Every day we wait, U.S. farmers, ranchers, businesses, and workers fall farther behind their competitors. We owe it to them to pass this legislation. We owe it to them to make it inevitable.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I wonder if the Senator from Ohio is ready to speak?

Mr. BROWN of Ohio. Yes.

Mr. BAUCUS. How much time does the Senator wish to have?

Mr. BROWN of Ohio. Five minutes.

Mr. BAUCUS. I ask unanimous consent that the Senator from Ohio be allowed to speak for 5 minutes.

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

Mr. BROWN of Ohio. Mr. President, the bill extending permanent normal trade relations to Russia is a positive step for American business and American workers. I have been critical of both Democratic and Republican administration approaches to trade negotiations and enforcement in the past. I think the improved enforcement reporting requirements in this legislation are a step in the right direction toward monitoring and toward enforcement of Russia's commitments made as part of its new membership in the World Trade Organization.

For too long, both Democratic and Republican administrations have negotiated trade agreements that undermine rather than maximize American job creation. Too often these agreements have failed to demand that our partners follow the same rules we do. Too often our government has not held our trade partners accountable when they do not meet commitments to which they have already agreed. We have seen this in our trade relationship with China for more than a decade. From currency manipulation to intellectual property theft, to failing to offer reciprocal access to its government procurement market, to hoarding rare earth materials, the People's Republic of China has ignored its international commitments and obligations.

For more than a decade, American workers and manufacturers, especially in a State such as mine, Ohio, have paid the price. There were thousands of lost jobs, a trade deficit that grew from $83 billion in 2001 to $295 billion in 2011 and a deficit in auto parts alone that went from about $1 billion a decade ago to about $10 billion today.

More recently, though, President Obama stood up to China issues on steel, which led to a new steel mill in Youngstown, OH; more steel jobs in Cleveland and Lorain, OH; on tires, which have translated into more jobs in Findlay, OH; and on aluminum, which has meant more jobs in Heath and Sidney, OH. That is obviously good news in my State and around the country. But our experience in China proves we must more closely monitor our trade partners' commitments before workers and businesses are injured by them.

As part of its WTO accession, Russia committed to lower tariffs on manufactured goods to ensure predictability by capping quota levels and to meet international standards on intellectual property rights. I am pleased to see the legislation extending Russia PNTR includes enforcement measures much stronger than the China PNTR, several based on legislation I introduced earlier this year.

By requiring the U.S. Trade Representative to monitor Russia's compliance with its WTO obligations to publish an annual report and our actions to promote compliance and establish a formal and public process for workers to weigh in on Russia's progress in anticipation and before violations or failing to follow the rule of law might take place, we can ensure that our trade relations with Russia put our interests first to build confidence, that our government can enforce the rules. Again, prior to potential misbehavior—as we saw with China—we will likely not see this from Russia because of this. Similar to any trade agreement, commitments must be adhered to; otherwise, they are not worth negotiating.

As an additional measure of commitment, I appreciate the administration's response to my request. Senior personnel at the Office of the U.S. Trade Representative, at USTR, who have served our government in Russia and are fluent in Russian are held accountable for monitoring Russia's compliance with its WTO commitments. Again, this is something we didn't do a decade-plus ago with the People's Republic of China.

Japan and Europe have already threatened to take Russia to the WTO over a number of unfair trade restrictions, including on autos. The United States will need to be vigilant on these issues as well. This work that Chairman BAUCUS did, that the House Ways and Means did, and the administration has done and will continue to do gives us that opportunity to be more vigilant and more effective.

Our workers, our farmers, our ranchers, and producers should have confidence that the trade deal signed will actually be enforced. For companies in my State, such as Proctor & Gamble, Goodyear or Alcoa, that stand to export more goods to Russia because of PNTR, enforcement of the rules matter. Whether economic opportunities for our businesses and our workers from Russia's PNTR, we can't ignore the Russian Government's consolidation of power and crackdown on political opponents, including the Russian media. Despite these challenges, though, we should not turn our backs as Russia continues breaking free from its totalitarian past. These are strong economic and democratic forces that are moving forward in Russia. These forces for change must be supported and must be allowed to grow. We must not forget how far Russia has come or how far it has to go.

About 40 years ago, Senator Jackson from Washington State and Congressman Vanik from my State of Ohio—the son of a Cleveland butcher—offered an amendment to a trade bill that used the leverage of the U.S. market to deny favorable trade status.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. BROWN of Ohio. This was to deny favorable trade status to countries that restrict immigration. Jackson-Vanik became antiquated more than a decade ago, but it proved that trade can be an instrument for improving human rights and the rule of law.

PNTR now includes the important Magnitsky legislation, which will impose travel and financial penalties on officials responsible for human rights abuses abroad. I commend Senator CARDIN for his leadership on this issue, on this important amendment.

As the administration looks ahead to trade initiatives such as TPP and the United States-European Union Trade Agreement, Congress can take steps now, new steps, to assure the benefits of expanded trade reach workers, reach small manufacturers, not just large corporations. Several colleagues and I have proposed legislation updating our negotiating objectives on labor, on the environment, on import safety, and to restore congressional oversight to future trade negotiations to agreements and especially to their enforcement. It is time we practice trade so it achieves real results for middle-class families in promoting job creation.

While the Russia PNTR represents a positive step forward, we must build on this step to ensure that over the long term, promises made are promises kept.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, tomorrow this body will vote to advance legislation that will grant permanent normal trade relations with Russia and, in so doing, repeal the Cold War-era Jackson-Vanik sanctions that denied most-favored nation status to China.

As part of this comprehensive package, the Senate will also pass the so-called Magnitsky bill. This piece of legislation was inspired by a young Russian attorney, Sergei Magnitsky, who died in police custody in 2009 after he was jailed on trumped-up charges for exposing a vast web of corruption and tax fraud by some of Russia's most senior officials.

Sergei's story, extensively reported and documented by human rights activists, business leaders, journalists, and others, helped stir a bipartisan group of Senators led by our colleague Senator BEN CARDIN to draft legislation to hold accountable officials from all over the world who disregard basic human rights and fail to uphold the rule of law, including those responsible for the murder of Sergei Magnitsky.

Unfortunately, the legislation before us is deficient. While I do not intend to make perfection the enemy of the good, this bill falls short of the long-standing objective of this body to demonstrate a sustained commitment to the long tradition of U.S. leadership in the fight against corruption and human rights abuses around the world.

Regrettably, the House-passed bill deals only with Russian officials. Sergei Magnitsky's story could have been lost. It was kept alive by impassioned and inspired friends and supporters in Russia.

But from Pyongyang to Minsk, to Harare, and elsewhere, there are many

who remain voiceless under despots and strongmen and lack the advocates and resources to detail their abuses and seek justice, whether through documentary film or newspaper stories.

That is why the Senate bill went beyond the particular case of Sergei Magnitsky. Much like Jackson-Vanik forced Budapest, Warsaw, and Moscow to allow citizens to freely emigrate or travel, I believe a global approach would help to deter future abuses throughout the world. I am puzzled and, frankly, disappointed that our House colleagues did not recognize our government needs tools that will allow it to stand up for these individuals regardless of where they are in the world.

Because some have elevated the subject of commerce above human rights, there is a view that it is more important to pass PNTR than a global Magnitsky bill; thus, we should settle for a Russia-only bill. While the Jackson-Vanik sanctions we are about to repeal have obviously outlived their usefulness, there is an urgent need for additional tools to protect the invisible around the world.

I hope our collective failure to give voice to their struggles, except in Russia, will not discourage these brave men and women, whether in Beijing, Tehran or elsewhere, from their continued efforts to root out corruption or expose rule of law abuses.

For now, at least, we address the problem in Russia. While I will not be here next year, I hope my colleagues in both the House and Senate will seek to uphold U.S. values and to do justice to Sergei Magnitsky and his legacy by passing a global bill sometime in the future.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank Senator KYL for his leadership on this issue. He knows I share his views on the global aspect of the legislation. I wish to thank him for his extraordinary leadership as we have been working this issue. We have worked it hard to try to get as far as we possibly could. He will be missed in the next Congress.

We will take up this cause again, but I wanted to thank Senator KYL for his commitment on this issue and finding a way that we could advance this bill to the floor. I do look forward to the day we will make this bill global.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

ORDER OF BUSINESS

Mr. REID. As provided under the previous order, at 5 p.m., the Senate will proceed to executive session to consider Calendar No. 676.

For the information of all Senators, we expect a rollcall vote on the nomination of Michael Shea, a district court judge for the District of Connecticut, at approximately 5:30.

We will go into executive session at 5 and move toward that.

UNANIMOUS CONSENT AGREEMENT—H.R. 6156

Mr. REID. Mr. President, I ask unanimous consent that no amendments be in order to H.R. 6156; that following the reporting of the bill, there be up to 5 hours of debate, equally divided by the two leaders or their designees during today's session; that on Thursday, December 6, at a time to be determined by the majority leader, after visiting with and consulting with the Republican leader, there be up to 10 minutes of debate, equally divided by the two leaders or their designees; and that upon the use or yielding back of time the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, last week, Secretary Geithner brought up for the President an offer that was so not serious it makes me wonder what the point of it was. In light of that offer, I would like to see if our Democratic friends are willing to support it. It includes a $2 trillion tax increase over 10 years, which would be the biggest real-dollar tax increase in U.S. history. It increases taxes on nearly 1 million small businesses and increases the taxes paid by family farmers and small businesses at death in the middle of a jobs crisis.

Most outrageous of all, it gives the President of the United States unilateral power—unilateral power—to raise the limit on the Federal credit card, the so-called debt ceiling, whenever he wants, for as much as he wants.

I don't think we should have to speculate how Democrats might feel about this. I think we should give them a chance to demonstrate for themselves how serious the President's plan was and how serious they are.

I would like to ask consent to offer an amendment to the Russia trade bill—this is Secretary Geithner's proposal right here—an amendment to the Russia trade bill that gives our friends on the other side of the aisle a chance to vote on this proposal Secretary Geithner brought up last Thursday. It gives the President's proposal to solve the fiscal cliff, as delivered by Secretary Geithner and outlined in the President's budget, an opportunity to be voted upon.

I should note I would be happy to have this vote right here or as an amendment to the next bill or as a stand-alone. It will not slow down what I hope is swift passage of PNTR for Russia. If this proposal was made in good faith, our friends on the other side, I am sure, would be happy to vote for it.

Let me just say I expect my good friend, the majority leader, to decline this chance to support the President and this laughable proposal because they know it couldn't even pass if it was sent to their majority.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I reserve the right to object.

Just a minute ago, Mr. President, I moved to the Russia trade bill. The purpose of moving this bill is to protect American jobs. If we don't do this legislation, we will lose American jobs for sure and put American companies in even worse shape than they are with Chinese and European companies. So the question is really this: Are we going to get serious here and legislate or is this more of the obstructionism we have felt so much of during this last Congress? The answer to that is really obvious. The answer is yes. Are we going to continue the sort of political stunts the minority leader is trying to pull here and now?

On the substance, the Senate has passed a bill that will go a long way to address the fiscal cliff. It has already passed here. Last July the Senate passed a bill to continue tax cuts for 98 percent of all Americans and 90 percent of all American small businesses. If the Republican leader were serious about preventing us from going over the fiscal cliff, he would urge his colleague, the Speaker, to get the House to take up the Senate-passed bill now. There are Republicans who have already said that is the right thing to do. Conservatives, more moderate Republicans—we even had one Republican Senator today say she thinks that will happen and it should happen.

In the meantime, the Republican leader's request is just a stunt. But the election is over. It is time to get down to business. These pieces of paper he has—Secretary Geithner didn't bring that stack of stuff to me. It was a private meeting—a private meeting—trying to work something out with this very troublesome issue facing this country—the deficit, the debt. And this private meeting turned out to be a publicity stunt for the Republicans talking about what he had said in private.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

The Republican leader.

Mr. MCCONNELL. Mr. President, I would add one comment about the consent I just offered. I think it would not be inaccurate to assert that the proposal the Secretary of the Treasury brought up last Thursday would not have passed the House when NANCY PELOSI was Speaker. This was an unserious proposal. And I can understand why my good friend the majority leader would rather not vote on it because I can't imagine that it would get many, if any, votes here in the Senate as well.

Having made that point, with regard to PNTR for Russia, when the two parties first sat down to discuss the so-called fiscal cliff, it was widely assumed among Republicans that President Obama and Democrats actually wanted to avoid it. That was the premise on which any possible agreement hinged. That was the common goal—or so we thought. Over the past couple of weeks, it has become increasingly clear to many of us that we were simply wrong about that. Incredibly, many top Democrats seem perfectly happy—perfectly happy—to go off the cliff. That is why the President has been more interested in campaign rallies than actually negotiating a deal, and it explains why the President is now stubbornly insisting on raising tax rates when he himself said just last year that you could raise more revenue from capping deductions and closing loopholes.

Look, this isn't about the deficit for them or balance. It is about an ideological campaign most Americans thought would have ended on November 6. And that is also why the President sent Secretary Geithner up here last week with a proposal so completely ridiculous it wouldn't have passed the House, as I indicated earlier, if NANCY PELOSI were still Speaker. It was more of a provocation than a proposal, to be perfectly frank about it. It was a message that the President really doesn't want to deal at all.

To date, not a single Democrat has come forward to support the Geithner proposal, and anybody who looks at the details would certainly understand why. As I just indicated, it includes a $2 trillion tax increase over 10 years—the biggest real-dollar tax increase in U.S. history. It increases taxes on nearly 1 million small businesses in the middle of a jobs crisis. According to Ernst & Young, this type of rate hike would cause more than 700,000 Americans to lose their jobs. It raises taxes on investment income, harming economic growth even more. It includes tens of billions of dollars in more Washington spending in a deal supposedly to cut the deficit. And most outrageous of all, it gives the President of the United States unilateral power to raise the limit on the Federal credit card—the so-called debt ceiling—whenever he wants, for as much as he wants.

While I am flattered that the administration has taken to calling this the ''McConnell provision,'' they seem to have forgotten how this provision worked in the Budget Control Act. Yes, we gave the President the authority then to request a debt ceiling increase, but that was only after the White House agreed to $2 trillion in cuts to Washington spending and agreed to be bound by the timing and amount set by Congress.

This time, the request is for the President to have the ability to raise the debt ceiling whenever he wants, for as much as he wants, with no fiscal responsibility or spending cuts attached. This is an idea opposed by Democrats and Republicans alike. It is a power grab that has no support here, and so it is not only completely dishonest, it is juvenile to compare it to last year's debt ceiling agreement. It would also be incredibly irresponsible since history shows that the only major deficit-cutting deals we ever do around here—ever—come after debates over the debt ceiling. It may be a good idea if you don't care about the debt, but it is a nonstarter for those of us who do. It also represents a dangerous attempt by the President to grab more power over spending—power Congress must not and will not cede.

Beyond these details, not only would the President's plan raise taxes on certain individuals, it would also cap their ability to deduct donations they make to charities, the interest they pay on mortgages, the contributions they make to retirement accounts, and the value of employer-based health insurance. Don't get me wrong, you have heard me say that if Democrats insist on getting more money to Washington, capping these deductions is a better way to raise revenue, but capping deductions and raising taxes is a recipe for economic disaster.

The President's proposal would also subject tens of thousands of small businesses and family farms to a massive tax hike to be paid by the family upon the deaths of the owners. It would impose a crushing tax increase on industries that employ millions of Americans, including manufacturers in my State, businesses that operate abroad, the insurance industry, and would raise the price at the pump by targeting the oil and gas industry for special tax treatment.

It is so ridiculous, as I have said repeatedly, it wouldn't have passed the House under Speaker PELOSI, and that is why even the most liberal Members of Congress, the President's most ardent supporters, haven't come forward to support it. So for the White House to demand a response shows they are just playing games at this point.

If you don't believe me, ask yourself this: How many Democrats would vote for this bill? Not many. But I didn't think we should have to speculate. I still think we should give Democrats a chance to demonstrate for themselves just how serious the President's plan was and how serious they are.

That is why I just asked consent to offer an amendment to the Russia trade bill that gave them that opportunity. As I noted, I would be happy to have this vote here or as an amendment to the next bill or as a standalone. It will not slow down what I hope is swift passage of PNTR for Russia. If the President's proposal was made in good faith, our friends should be eager to vote for it. So I am surprised the majority leader just declined the chance for them to support it with their votes. I guess we are left to conclude that it couldn't even pass by a bare majority of votes and they would rather take the country off the cliff than actually work out a good-faith agreement that reflects tough choices on both sides.

To be fair to the Secretary and to the President, we didn't just put together a bill that included his $2 trillion tax increase, we also added the almost $400 billion in new tax stimulus measures he wanted as well. This bill contains a continuation of the payroll tax holiday, a 10-percent credit on new wages that will go to businesses large and small, and it included a fix to one of the many flawed provisions of ObamaCare, an expansion of the tax credit for businesses that no one uses. This proposal reflected exactly what was in the President's budget and his various submissions to Congress. I, for one, was eager to see this vote, to see if Senate Democrats were ready to support it. I think folks should know who actually wants to raise taxes on family farmers and manufacturers and who thinks we can solve our fiscal problems without doing anything serious to our real long-term liabilities.

Our Democratic friends are so focused on the politics of this debate that they seem to forget there is a cost. They are feeling so good about the election, they have forgotten they have a duty to govern. A lot of people are going to suffer—a lot—if we go off this cliff. That is why we assumed Democrats would have preferred to avoid it. We thought this was the perfect opportunity to do something. Apparently, we were wrong.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the original request?

Hearing none, it is so ordered.

The majority leader.

Mr. REID. Mr. President, there is no Geithner proposal. This is all made up.

Mr. President, I remember Dorothy in ''The Wizard of Oz''—I think she was from Kansas and she wound up in Oz. We are here in Washington, DC, and yet suddenly we are in Oz—a real strange place.

The Republican leader is an expert in ways to kill legislation, and people who are watching can see he is trying to torpedo the fiscal cliff negotiations which are ongoing.

Republican Senators have spoken to people in the White House today. This is no serious way to negotiate, out here on the Senate floor. At the end, the Republican leader is complaining because President Obama wants the rich to pay their fair share, and as usual Republicans are defending the rich, holding tax cuts for the middle class hostage.

At the first of the year, unless we work something out, taxes will go up for people making less than $250,000 a year, an average of $2,200 each—not per family but each person. The Senate has already passed the centerpiece of President Obama's offer, and his offer has always been the same.

We are not going to go through the same thing we have gone through here for years where we lay out different

ways to cut spending and there is never any revenue. The President has made it very, very clear. They have already passed the President's proposal, which is to make sure people making less than $250,000 a year are not burdened with an extra $2,200 each after the first of the year. That passed in July. The House could take that up. Every Democrat in the House has agreed they will vote for that. We need only 25 or 26 Republicans in the House to make life something that is stable for people making less than $250,000 a year.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, may I ask my friend from Maryland if he has spoken on the Magnitsky portion of this bill?

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. We have not yet gotten to the bill. I believe we are now prepared to go to H.R. 6156. I know the Senator from Connecticut would like to speak for 5 minutes, and I was hoping we could get some time where we could go back and forth and talk about the Magnitsky aspects of that legislation now.

Am I correct, Mr. President, that the bill has not yet been reported or it will be reported now and that perhaps we can enter into a consent agreement as to the next 30 or 40 minutes?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 6156, which the clerk will report by title.

The assistant bill clerk read as follows:

A bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I also note several of our friends, including Senator LIEBERMAN, who are on the floor. Senator LIEBERMAN also has had a major role in this legislation, and I would ask unanimous consent that he be included in the colloquy.

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

Mr. MCCAIN. Mr. President, I ask my friend, Senator CARDIN, I had a statement I wanted to make before the colloquy and I know the Senator has a statement. Since it is his legislation, I would be glad to wait with my remarks until the Senator from Maryland completes his. And how much time, could I ask, of my colleague?

Mr. CARDIN. I think my initial comments would be about 10 minutes.

Mr. MCCAIN. And I would have about 10 minutes, if that is agreeable to my friend from Connecticut—who, obviously, is jobless and homeless. So I ask unanimous consent that the Senator from Maryland make his remarks, followed by mine, and then the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank Senator MCCAIN for not just working this out but for his leadership on this issue. He has provided the moral leadership we need on dealing with human rights issues. He is a cosponsor of the Sergei Magnitsky Accountability Act, and I thank him for that.

Today we close a chapter in the U.S. history on the advancing of human rights with the repeal basically of Jackson-Vanik. It served its purpose. Today, we open a new chapter in U.S. leadership for human rights with the Sergei Magnitsky Rule of Law Accountability Act.

As the Presiding Officer has heard, this involves a lawyer named Sergei Magnitsky who had U.S. interests that he was representing in Russia. He discovered the largest tax fraud in Russia's history. He did what a lawyer should do: He brought it to the attention of the authorities.

As a result of his bringing this corruption in local government to the authorities, he was arrested. He was tortured because they wanted him to recant what he had said. They wanted him to basically not tell the truth. He refused to do that. He needed medical attention; he was denied medical attention; and on November 16, 2009, he lost his life in a Russian prison, being denied the opportunity to get needed health care. He was 37 years old, with a wife and two children. Those who were responsible for his death and those who were responsible for the coverup have never been brought to justice. They have gone unpunished, and in some cases they have even been promoted.

The facts are well known. These are not hidden facts. The international community knows the people who were involved, knows about the coverup, and knows that they have not been held accountable, and this has gained international attention. That is why I filed legislation aimed at the individuals responsible for the Magnitsky tragedy. It says, quite clearly, that those involved would be held accountable by being denied certain international rights.

It also includes those involved in extrajudicial killings, torture, or violations of internationally recognized human rights. The legislation says, Look, we are not going to let you have the fruits of your corruption. We are going to deny you the opportunity to hold your illegal gains in our banking system—which is where they prefer; they don't want to hold rubles, they want to hold dollars—and that we will not let you have a visa, a privilege, to visit our country, to visit your property in our country or your family in this country. It targets the individuals who committed the gross human rights violation, and it recognizes the failure of the host country to deal with those violations.

I want to thank all those who have been involved in the development of this legislation. Senator MCCAIN has been one of the great leaders on these human rights issues. This is not a partisan division. We have strong bipartisan support. I have already acknowledged Senator KYL, who recently spoke. I know Senator WICKER took the floor a little earlier and I thank him, the ranking member on the Helsinki Commission. I want to thank Senator SHAHEEN, the chair of the European Subcommittee of the Senate Foreign Relations Committee for her work, and Senator BOB MENENDEZ on the Foreign Relations Committee. All those individuals were very instrumental in dealing with this. Senator DURBIN has been a real champion on human rights. I want to acknowledge Kyle Parker, staff person from the Helsinki Commission, who was very instrumental in the development of this legislation. I want to also acknowledge Senator LIEBERMAN's work. I know he will be speaking in a few minutes.

It was Senator LIEBERMAN, Senator MCCAIN, and myself who first suggested that we should pass the Magnitsky bill. It is the right thing to do, but we certainly shouldn't let PNTR go without attaching the Magnitsky bill. I thank Senator LIEBERMAN and Senator MCCAIN for raising that connection. It was the right thing to do. First, it allowed us to get this human rights tool enacted. Secondly, I think it gave us the best chance to get the PNTR bill done in the right form. So I thank both of them for their leadership.

In 1974, we passed the Jackson-Vanik law that dealt with the failure of the Soviet Union to allow for the emigration of its citizens, affecting mainly Soviet Jews. It was controversial in its time. People said, Why are we connecting human rights to trade? Why is the United States doing that? After all, trade is so important.

Well, we did it. It made a huge difference, and we were able to get Soviet Jews out of the Soviet Union. We spoke for Western values in our trade legislation. We protected the rights of individuals who refused this.

When I first came to Congress 26 years ago, I joined the congressional caucus for Soviet Jewry. I wore the wrist bands of refuseniks, joined by many of our colleagues. Twenty-five years ago, I marched in Washington, a march for Soviet Jews. We stood for basic rights, and we changed the landscape on this issue. I had a chance to

be with Natan Sharansky and celebrate what he meant to people who loved freedom around the world. We initiated that with Jackson-Vanik. It was a proud chapter in American history.

Today we end that chapter, because Jackson-Vanik is no longer relevant to the human rights challenges of our time. But with the passage of the Sergei Magnitsky Accountability Act, we meet the challenges of our time. We meet those individuals who are committing gross human rights violations. This act is a global standard for the advancement of human rights.

Unfortunately, the Magnitsky tragedy is not unique within Russia. We know of other circumstances within the country. We saw the results of last year's elections and the attitude of government toward journalists. We need the protection of the Magnitsky standards for human rights violations within Russia.

But it doesn't end with Russia. Human rights violations are global, and we should have these tools available globally. We need to prevent Russia and other countries from regressing on their commitments to human rights.

I must tell you, when you take a look at the legislation that came out of our two committees, S. 1039, coming out of the Senate Foreign Relations Committee and coming out of the Senate Finance Committee—I serve on both of those committees—it says very clearly that the law would apply to those responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedom of religion, expression, association, assembly, and the rights to a fair trial and democratic elections anywhere in the world. That was the legislation we reported in two of our committees. And I might tell you, there was overwhelming support that we should make it global. Senator KYL talked about that, and I am sure others will also.

In H.R. 6156, you will see the exact language we have in our Magnitsky bill with one exception: ''Anywhere in the world'' is changed to ''Russia.'' I am disappointed in that, and I join with Senator KYL in that disappointment. I think it would have been much better if we would have incorporated the international standards and global provisions.

I think it is very important Congress pass this bill. I strongly support it. I support the effort to get this to the President as quickly as possible. But there is a clear message here: This bill is our standard. We will be holding countries to this standard. We will look for other opportunities to attach these provisions to other trade bills. We will look for other opportunities to reinstitute the global application of the Magnitsky standards. It is the right thing. The world is on notice. Other countries are following our leadership. We expect other countries will be acting with similar standards.

I might point out, as I did over 2 years ago, there is existing authority within the State Department to deny visas to human rights violators. I think we should make that very clear and we should enact a law that makes it clear. We have to pass the Magnitsky law as relates to Russia. But there is authority, and we expect the administration will follow that authority.

I am hopeful people understand that although the language of the law is not as broad as we would like it to be, many of us consider this to be the international standard, and we will be asking to hold other countries accountable for violators of human rights that that country does not deal with in denying them the right to visit our country or to use our banking system.

One last point. There are some who say, Well, aren't we interfering with the internal affairs of a sovereign country? Nothing could be further from the truth. We have a right—I would say a responsibility—to challenge internationally recognized human rights violations in other countries. It is well established. Both Russia and the United States are members of the Organization for Security and Cooperation in Europe. I had the honor of a senate chair in the Helsinki Commission, our implementing arm. That organization gives us the right to raise human rights problems in other countries. We have used that to advance efforts to stop human trafficking, to deal with antisemiticism, to deal with corruption issues in other countries. We have that right. We have that responsibility. And our actions today are for the Russian people and for its government.

I have heard from so many human rights activists in Russia, from Russian business leaders to ordinary citizens, who tell me Russia can do better, and they urge us to move forward with the Magnitsky Accountability Act.

The United States, by the passage of this bill, will be on the right side of history. It will deepen our relationship with the Russian people. Yes, we are ending a chapter with the repeal of Jackson-Vanik, but we are starting a new chapter on human rights—one which we can be proud of where America once again is establishing a basic principle that we will not tolerate those who violate internationally recognized human rights standards. We will not let them go without being held accountable. And we certainly will not let them have the privileges of our country if they violate internationally recognized human rights standards.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, it is my pleasure to rise today to speak in favor of H.R. 6156—the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act. This day has been a long time in coming, and the fact that it has now come is thanks to the great work of many of my colleagues, and I want to take a minute to recognize a few of them personally.

First and foremost is the Senator from Maryland. It is not an exaggeration in the least to say that, were it not for Senator CARDIN's leadership on behalf of human rights in Russia and his tireless dedication to memorializing the courageous dissent of one remarkable man—Sergei Magnitsky—we would not be here today. Senator CARDIN is the original author of the Sergei Magnitsky Rule of Law Accountability Act. He passionately educated his colleagues about the need for this legislation, which is why it eventually won 25 bipartisan cosponsors in the Senate. The Senator from Maryland has my deepest respect and gratitude for his efforts on behalf of human rights in Russia. He has established himself as a leading voice in our country on these issues. I have been honored to be his partner in this endeavor from the very beginning as the original lead Republican co-sponsor of the Magnitsky Act. And when this legislation is passed, as I am confident that it will be, Senator CARDIN deserves all the credit in the world for this historic achievement.

I also want to recognize the efforts of the Senator from Montana. I appealed to Senator BAUCUS last year to join the Magnitsky Act together with the repeal of Jackson-Vanik for Russia and Moldova and the extension of Permanent Normal Trade Relations status to both countries. He agreed, and in a letter to me, as well as a few of my colleagues, the Senator from Montana pledged to marry the 2 pieces of legislation together and to do everything in his power to see that the Senate could act on them together. He has been true to his word at every step of the way, and I am pleased to stand here today as an original co-sponsor of the repeal of Jackson-Vanik for Russia and Moldova, as well as the Magnitsky Act.

Finally, the person I want to acknowledge above all is Sergei Magnitsky—whose remarkable life and tragic death is the reason that brings us here today. Sergei Magnitsky was a tax attorney working for an international company, Hermitage Capital, that had invested in Russia. He did not spend his life as a human rights activist or an outspoken critic of the Russian government. He was an ordinary man, but he became an extraordinary champion of justice, fairness and the rule of law in a Russia where those principles have lost nearly all meaning.

What Mr. Magnitsky uncovered was that a collection of Russian government officials and criminals associated with them colluded to defraud the Russian state of $230 million. The Russian government in turn blamed the crime

on Hermitage Capital and threw Mr. Magnitsky in prison in 2008. Mr. Magnitsky was detained for 11 months without trial. Russian officials pressured him to deny what he had uncovered—to lie and recant. But he refused. He was sickened by what his government had done, and he refused to surrender principle to brute power.

As a result, Mr. Magnitsky was transferred to increasingly more severe and more horrific prison conditions. He was forced to eat unclean food and drink unsanitary water. He was denied basic medical care as his health worsened. In fact, he was placed in increasingly worse conditions until, on November 16, 2009, having served 358 days in prison, Sergei Magnitsky died. He was 37 years old.

What is even more tragic is that the case of Mr. Magnitsky is only one of the most extreme examples of the broad and dramatic deterioration of rule of law in Russia, and its replacement with arbitrary and nearly unchecked state power, which is increasingly concentrated in the hands of one man, President Vladimir Putin.

What is emerging in Russia today can only be described as a culture of impunity—a sense among those who control the levers of power that Russia is theirs for the taking, and the only question left to debate is how government officials and other elites will divide up the wealth, the power, and the spoils. This culture of impunity begins, first and foremost, with President Putin. He sets the tone in the country. And right now, with his return to the presidency, and with many of the actions that the Russian government has taken recently, the signal is being sent across the country, especially to every petty tyrant and aspiring autocrat in the Russian state, that Putin is doing what he wishes. He is using the instruments of the state to crush his critics. He is getting away with it. And you can too.

This culture of impunity in Russia has been growing worse and worse over many years. It has been deepened by the increased surveillance and harassment of members of opposition and civil society groups . . . by the continued violent attacks on brave journalists who dare to publish the truth about official corruption and other state crimes in Russia today . . . and of course, by the continued detention of numerous political prisoners, not least Mikhail Khordokovsky and his associate Platon Lebedev, who remain locked away but not forgotten. I continue to fear for the health and safety of both men. And I pray for them.

The culture of impunity in Russia can also be seen in Russia's recent elections—the parliamentary election last December and the presidential election in March—which were criticized for their flaws and irregularities by impartial, objective international organizations. It can be seen in the recent NGO law passed by the Russian legislature, which requires any civil society group in Russia that receives international funding to register as a ''foreign agent.'' The vast majority of these civil society groups have nothing to do with politics. Clearly, the intent of this law is nothing less than to demonize, and marginalize, and stigmatize as treasonous whatever independent civil society organizations still remain in Russia.

The culture of impunity in Russia can also be seen in the government's new and growing interpretation of its law against extremism. A law that may once have been designed to address real concerns with terrorism and violent extremism is now being broadened to put pressure on civil society groups and religious minority groups, even including the Jehovah's Witnesses. A Russian court even went so far as to classify as an extremist organization the punk rock band of Russian girls that staged a protest performance this year in Moscow's Christ the Savior Cathedral. Any media outlet in Russia that would dare to broadcast this group's material could now be subject to having their outfit closed down by the Russian state.

This culture of impunity was extended even further last month in Russia's new law against treason. That term has now been defined so broadly that it allows the state to ban websites and impose fines, and likely worse penalties, against Russians who participate in unregistered demonstrations, who fail to register as foreign agents where now required under Russian law, and even to those who are suspected of giving advice to foreigners. Many Russians rightly believe that this new treason law is so expansive that the government can use it to stifle the legitimate rights and freedoms of anyone they deem to be an enemy of the state.

This culture of impunity also extends to the recent decision by the Russian government to terminate the presence and all programming of USAID in Russia. Whatever the stated reason for this decision, there should be no doubt why it was done—to try to further isolate, and marginalize, and emasculate civil society groups in Russia by denying them an ability to work in partnership with the United States, as many of these groups have freely done and wish to continue doing.

Ultimately, this culture of impunity in Russia is why Sergei Magnitsky is dead. That is why, even now, no one has yet been held accountable for his murder. And I suspect no one ever will. What is worse, the Russian government has done the opposite: It has put Sergei Magnitsky, a dead man, on trial, perhaps in an effort to prove that he got what he deserved. They have even required Mr. Magnitsky's mother and family to appear at the trial, which sinks this case to a whole new low. This culture of impunity is why videos are surfacing even now that document the brutal conditions of Russia's prison system, and the systematic abuse and torture to which detainees are subjected there at the hands of midlevel tyrants who want to run their small part of the Russian state just as their president does.

This is why we need to pass the Magnitsky Act. If citizens and civil society groups in Russia do not have a path to justice in Russia, then the international community has a responsibility to show these people that there can still be accountability, that there can still be consequences, for what they are suffering.

The Magnitsky Act does that. And I want to be clear: What is so important about this legislation is that its provisions would not simply apply to those Russian officials responsible for the torture and murder of Sergei Magnitsky; it would also apply to other persons in Russia who commit human rights abuses. In short, this is not just about historical accountability; it is also about preventing future Magnitsky cases. It is about imposing consequences on all human rights violators in Russia.

The allegation that this legislation infringes on Russian sovereignty is nonsense. The Magnistsky Act does not require the Russian government or Russian citizens to do anything they do not wish to do. It cannot force human rights abusers in Russia to stop what they are doing. But if they continue, what this legislation does do is tell those individuals that they cannot bank their money in the United States, that they are not welcome in this country, that they cannot visit this country, and that they will have no access to the U.S. financial system.

Now, I know we have had a debate about whether to make this bill globally applicable—a tool that could be used to apply these same kinds of penalties to human rights abusers anywhere in the world. This is a worthy goal, and I believe we should have such a debate in the next Congress. It is important now, however, that the Magnitsky Act remain focused squarely and exclusively on Russia. That is what Russian democrats and civil society groups tell me they want right now. They want Congress to send their government a message on human rights, and by keeping the Magnitsky Act focused for now on Russia, we can do just that.

Furthermore, the administration can use its own executive authority at this time to apply similar kinds of pressures contained in the Magnitsky Act to human rights abusers in other countries. I, for one, will be watching closely to see if they do, for many other cases are crying out for greater U.S. leadership on behalf of human rights. And if the administration does not take the initiative to apply the leverage at our disposal to these other cases beyond Russia, that is the surest way to ensure that the Congress will act to globalize the Magnitsky Act next year.

There are still many people who look at the Magnitsky Act as anti-Russia. I

disagree. I believe it is pro-Russia. I believe it is pro-Russia because this legislation is about the rule of law, and human rights, and accountability, which are values that Russians hold dear. I believe it is pro-Russia because it does not make all Russians pay for the crimes of a small handful of corrupt officials, and in this way, the Magnitsky Act is an improvement on Jackson-Vanik and an ideal replacement for it. I believe the Magnitsky Act is pro-Russia in the same way that Permanent Normal Trade Relations is also pro-Russia—because both measures are ultimately about strengthening ordinary Russians who long for greater opportunity, greater freedom, and greater protections for their rights under the rule of law.

I am not under any illusion that the passage of either the Magnitsky Act or PNTR for Russia will ensure the success of rule of law in Russia. Not at all. But while both measures are very different and present very different kinds of benefits to the Russian people—one a material benefit, the other a moral benefit—both of these measures, I firmly believe, are nonetheless beneficial to Russia. Both create high standards to which we and others can hold the Russian government, both on the trade front and on matters of human rights. Both provisions create levers for international accountability where few currently remain in Russia. In other words, the Magnitsky Act and PNTR for Russia can serve as tools that will help to empower ordinary Russians who do not want their lives or their livelihoods to be determined solely by the predatory elites in the Russian state.

Ultimately, passing this legislation will place the United States squarely on the side of the Russian people and the right side of Russian history, which appears to be approaching a crossroads. I remind my colleagues that today is the anniversary of the massive protests that rocked Russia one year ago. As I have said before, I do not believe that the demand for freedom and dignity that have so profoundly shaken the Arab world are unique to that part of the world. I think the effects of these upheavals will be global, because the values and aspirations at their heart are universal. I think this makes Mr. Putin and his cronies very nervous—and it should. The desire for peaceful change and democratic and legal reform can be delayed for a time. They can be delayed, but they cannot be denied. This legislation is a vote in favor of a brighter, better future for the Russian people—a future that they can determine, freely and independently, for themselves.

Finally, I would be remiss if I did not conclude with a word on Moldova, because this legislation would also take the long overdue step of repealing Jackson-Vanik for Moldova and granting it Permanent Normal Trade Relations as well. This should have been done years ago. I have been an advocate for this action for many years. I have continually insisted that the Congress should not be allowed to pass PNTR for Russia without doing the same for Moldova. That was a condition of my co-sponsorship of this legislation, and I am proud that the Senate is now on the verge of clearing the way for normal trade relations between the United States and Moldova. That small country has taken enormous strides toward democratic and economic reform, and toward deeper integration in the European community. Passing this legislation will be a critical vote of confidence in Moldova's political and economic reforms and in support of its democratic future.

For all of these reasons, and for the many more that I have listed with regards to Russia, I urge my colleagues to support this legislation.

Finally, I say to my three colleagues on the floor, there are times when we do a lot of things for the people we represent and a lot of things for the country. I think what we are doing here, which will be rapidly approved and has already been approved by the House and will be made into law, is something we are doing for people in Russia who need our help now, our voice and our commitment. Many of the great and wonderful ideas, promises, and prospects after the fall of the Soviet Union that was the case of Russia have been dashed. Maybe we should take responsibility for not playing a more constructive role in the 1990s when Russia was going through a critical phase.

I promise today, not just to Sergei Magnitsky's widow, but to all people throughout Russia who will be encouraged by this message because, as they were years ago, the legislation we are now repealing, the Jackson-Vanik act, was a call to the people in Russia who were being held under terrible conditions that they would now be able to freely immigrate to a land with promise of a better future. I believe that today this legislation is one of the most important ones that in years to come we can be proud we were a small part of.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I compliment the Senator from Arizona on the moral clarity of his statement. I think the Senator is absolutely right. The moral clarity here is clear: Those who commit gross violations of internationally recognized human rights are on notice. As the Senator pointed out, this legislation applies beyond the Magnitsky tragedy, it applies to Russia, and it is a standard that we intend to use for other opportunities whether it is trade bills or other legislation.

I hope we will make this statutorily global. We will have that debate at a later point. We will have other opportunities to make it clear that those who violate human rights are internationally recognized, that the clarity here is clear, and that there will be repercussions on the rights of our own country.

We cannot determine how Russia will treat its violators under their laws; they will have to handle that. But we have the moral certainty that we are not going to assist those violators and deny their opportunities to come to America and use our banking system.

Mr. MCCAIN. Madam President, a quick response to my friend from Maryland, and that is we talk a lot about the globalization. Don't think that dictators, brutal rulers, and oligarchies all over the world are not paying attention to this legislation. Our message to them is: Keep it up; you are next.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, before the Senator leaves the floor, I thank him very much for his leadership. He is a stalwart leader in protecting human rights all over the world, but in this case Russia. I think he is right in suggesting that it is a good follow-on to protecting human rights, and certainly in this case Russia.

I thank the Senator very much.

Madam President, I ask unanimous consent that under the time to be controlled on the Democratic side, the following Senators be given the time listed: Senator LEVIN, 15 minutes, and Senator CARDIN, 50 minutes. I understand that he has already used a certain amount of time, so the total will be 50 minutes. Senator DURBIN will be given 10 minutes and Senator LIEBERMAN 10 minutes; further, all time used for debate on the bill earlier today during morning business be counted toward the 5 hours allocated under the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend, the chair of the Finance Committee. I thank him for yielding me 10 minutes. While I am expressing gratitude, may I express gratitude to the Senator from Maryland. Talk about moral clarity, which is a term he just used for our friend from Arizona, he showed real moral clarity for this and so many other issues. I thank him for that.

As I begin my final month in the U.S. Senate, it gives me great confidence to know that people such as Senator CARDIN and Senator MCCAIN are going to be here to continue to hold America to the standard that our founding doctrines hold us to, which is to be a beacon of human rights and a protector of those who fight for human rights around the world. So my thanks and compliments to Senator CARDIN.

I rise to join those who are supporting this bill, which is two measures brought together in a mutually productive partnership. The case for granting

PNTR to Russia is clear and straightforward.

Russia became a full member of the World Trade Organization over 3 months ago, and in doing so was bound to pledge to cut tariffs for manufactured imports and open its service sector to foreign competition. In order for American companies to realize these benefits, we must grant permanent normal trade relations, PNTR, to Russia. For this reason the only country that will be disadvantaged if we fail to pass this bill will be our own, and that particularly means our own businesses. Of course, that is why generally American businesses and leading business advocacy groups such as the chamber of commerce, in particular, have supported this legislation so strongly. It is also why the Governors of 14 of our States, including Connecticut, and six former U.S. Trade Representatives have urged the Senate to follow the House and swiftly pass this bill.

I also note that this legislation will grant permanent normal trade relations to the country of Moldova, a country that has demonstrated tremendous democratic progress over the past two decades. Deepening our economic ties with Moldova is good for American business and will help keep Moldova on the path of democracy as well as development. So PNTR for Russia and Moldova is necessary and good for the United States.

For me, and I hope many others—eloquently expressed by Senator CARDIN and Senator MCCAIN—the case for this bill is sealed because of its incorporation of separate legislation, the Magnitsky Rule of Law and Accountability Act, of which I am privileged to be a cosponsor.

I must say that as I look back over the 24 years in the Senate, which I have been doing a lot lately, there are not too many pieces of legislation that I have been prouder to be associated with than the Magnitsky Act.

As many of you know, this legislation is named for a 37-year-old Russian tax lawyer named Sergei Magnitsky whose tragic murder 3 years ago is among the most horrible examples of corruption and thuggishness that continues to afflict Russia. Mr. Magnitsky is rightfully the namesake of this legislation. It will impose a visa ban and asset freeze not only against those officials whom we have good reason to believe are responsible for his murder, but also against Russian officials responsible for any and all human rights abuses that are too regularly taking place in that country.

Senator MCCAIN, Senator CARDIN, and I have had the privilege of meeting with Russian dissidents, political activists, and human rights leaders over the years. What they have told me and my colleagues over and over is that there is one thing above all others we can do here in the United States to help support the cause of human rights and the rule of law in Russia, and that is to pass the Magnitsky Act.

So today I join my colleagues who support this legislation and say to those in Russia who are striving courageously to secure their fundamental freedoms—the same rights to life, liberty, and the pursuit of happiness that our Founders said in our declaration were the endowment of our Creator to every human being—that we have not and will not forget them and their cause. We know and will remember their names. We will stand in solidarity with them and in support of them until they achieve their goal, which is a goal we share. That goal is the spread of democracy and a democratic Russia that respects the rule of law, protects human rights, and is free of corruption.

I want to echo what my friends said a moment ago. I was thinking about it. I am not sure anybody has mentioned the name of Natan Sharansky, a famous Russian dissident of an earlier time, a refusenik placed in a Russian gulag and who served so much time in solitary confinement. I have had the honor to get to know him. If you read his books, there is a very moving series of sections where he talks about the fact that when Jackson-Vanik passed and they learned about it, they would communicate with each other in the most primitive ways when news came in, and what an inspiration it was. In some sense it kept not just hope alive but kept them alive, that the U.S. Congress had adopted this law which would impose penalties on the Soviet Union unless it allowed people to freely emigrate. Disproportionately at that time it was dealing with Jews.

It was also stated that they wanted to leave because they were so oppressed in the Soviet Union. It was actually stated in global terms at that time. Maybe sometime we will come back and address that.

I remember what Sharansky said about the day while in solitary confinement somebody was able to convey to him by tapping pipes that President Reagan had called Russia—and the Soviet Union, really—the evil empire. And knowing that the leader of the free world—the most powerful person in the world—would call out this oppressive government that had locked him up for no reason other than he had advocated for human rights, he said this would sustain his hope.

In some small way I hope the passage of this Magnitsky Act will do the same for those who are fighting for the many people whose freedom of expression has already been compromised by the government in Russia and for the people whose businesses have been essentially taken by the government.

I think one of the great disappointments over the last quarter century is the hope that we had after the fall of the Berlin wall and the collapse of the Soviet Union, that this great country of Russia, this great people whose history and culture is so proud and so strong, would finally be able to be free of tyranny. Well, they are freer than they were during Soviet times. I guess that is some small consolation. But increasingly the central government and President Putin have compromised human rights.

Incidentally, going to the other part of this bill, the PNTR part for free trade, there are a lot of businesses in the United States and elsewhere in the world that will be hesitant to invest as much as they would otherwise invest in Russia so long as the Russian Government is as autocratic, irrational, suppressive, repressive, and corrupt as this Russian Government is. So in all these respects, I would say that the Magnitsky Act is a worthy successor to Jackson-Vanik, which was such a crusading human rights measure in its own day and, may I add, bears the name of a truly great Senator, Henry M. ''Scoop'' Jackson, a personal role model to me and others. Today the Jackson-Vanik amendment no longer makes sense because there is free emigration from Russia; therefore, we are right to lift it. But it is equally right that we replace it with a law that will address the primary human rights facing Russia today. May I say in repealing Jackson-Vanik, we actually honor his proud legacy and keep it alive.

Just over a year ago, when the Russian people responded to a fraudulent parliamentary election by taking peacefully to the streets, the Kremlin responded with thuggish brutality. Instead of at least respecting the legitimate demands of his people or listening to them, President Putin falsely accused the United States of creating this opposition in Russia and began a campaign of stifling dissent that continues to escalate to this day. Independent media outlets have been targeted, including American broadcasting services. Journalists and opposition activists have been harassed and arrested and put in jail, and the Russian Duma has passed a law that grants sweeping power to authorities to close Web sites and limit freedom of expression, and another law passed by the Duma expands the definition of treason so broadly that human rights groups believe it could be used to punish anyone who questions the government.

Meanwhile, the nongovernmental organization community has come under increasing attack. Our own Agency for International Development has been evicted from Russia recently, and Russian NGOs are now required by law to register as foreign agents if they receive any money from abroad or engage in political activity.

This is a sorry state of affairs, and it is very important that we heed Senator CARDIN's call to act as best we can to speak out against it and to do something that the dissidents of Russia have told us will really affect the elite class, the leadership class in Russia, which is to seize their assets if they are human rights violators and to prohibit them from freedom of travel. When we pass this, as I am confident we will—this is one of the days when I am sure

everybody in the Senate feels grateful we are here because what we do here matters. Sometimes we wonder, I think, in the gridlock and partisanship and complexity of politics in our country these days. But as I have traveled around the world over the last 24 years, I have been struck by how many places democracy has taken root where few predicted it was possible, and the voices of Members of Congress or Congress as a body have encouraged the dissidents to show the courage they needed to achieve what they wanted. From Indonesia to Chile, from East Germany to South Korea, authoritarian regimes have been supplanted by flourishing free societies in just about every corner of the Earth. We in the United States and everybody in the world are a lot better off for it.

Unfortunately, that can't be said of Russia, and that is why this Magnitsky act is so important to adopt. Despite the democratic setbacks in Russia I have just described and the repressive acts by its government, I remain confident that the future of these great people does not belong to those who would impose upon them a system of tyranny, of corruption, of abuse with impunity. The future of Russia belongs to Russians who believe they have the right to decide their destiny for themselves, to the Russian people who are sick of corruption and who demand the rule of law—fairness, justice under law. In short, it belongs to people like the late Segei Magnitsky, whose name will be immortalized when we pass this legislation.

In supporting this legislation, I say to my colleagues, we stand with them in their noble cause. That is why I hope and I am confident that we will all join together, Democrats and Republicans and an occasional Independent, and pass this legislation overwhelmingly.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I rise today in support of the legislation before us and in support of the comments my Independent colleague from Connecticut just made which had to do with the Magnitsky provision, which I also support. I heard my colleague from Arizona, Senator MCCAIN, talking about it passionately earlier. It is an important part of this legislation. But with regard to the trade part of the legislation, I would like to say that I think this is also a great opportunity for us. I see my colleague from Maryland here who, along with Senator MCCAIN, has taken the lead on the Magnitsky provision encouraging better human rights in Russia, and I think we will see over time that this will have an impact globally.

With regard to the trade side of this debate we are having today, I hope we all recognize that one of the great, untapped opportunities for our economy and for adding jobs is to expand exports. We have a great, untapped potential here because America still is not exporting at the level it should be. We do face stubbornly high unemployment. We do have stagnant growth rates. We are looking at some tough economic numbers even as we head toward the fiscal cliff which could make it even worse. So we need to do all we can to ensure that our workers and our farmers have access to the 95 percent of consumers who live outside of our borders. That adds jobs. When companies consider whether they are going to get into the export business or not, which again creates opportunity here, they want to know if they are going to be treated with certainty, predictability, and fairness in the marketplace. Exporters need to know that if a country doesn't play by the rules, then that country will then face consequences. Those consequences really are what the World Trade Organization is all about. That is why this discussion is so important, because by today or tomorrow, voting to authorize permanent normal trade relations with Russia, we then can take advantage of the World Trade Organization rules as they relate to Russia and to our trade with them.

Russia joined the WTO on August 22, and the United States was a big part of that accession. We worked with Russia for 18 years to ensure that they were willing to go along with certain fairness provisions on trade to be able to enter the WTO, and we need to be sure now that we can take advantage of those provisions. Without passing this legislation, America and our farmers and our workers could get left behind. By joining it, Russia did agree to abide by a certain set of common rules, and when they break those rules, other countries can then take them to court—the World Trade Organization—and help hold their feet to the fire.

It means Russia will be required to better protect intellectual property rights, which is a major concern for U.S. companies. It means Russia must treat fairly the highly technical services sector where the United States has a great opportunity, including telecommunications, insurance, energy services, and retail services. There we have a lot of competitive advantages and we are looking for a level playing field. It means they have to give rules-based treatment to our agricultural exports so they are not trumped by internal Russian agricultural politics. It means Russia has to improve its transparency and the rulemaking process so regulations are not taking place without an adequate comment period and input from job creators, including American companies that want to do business in Russia. These were all concessions that were secured, again, over this 18-year period by the United States and other countries, but primarily the United States took a role here—Republican and Democratic administrations alike—in ensuring that as Russia entered the WTO, we had the opportunity to have a fair trading system with them.

By the way, I was part of that as U.S. Trade Representative negotiating with my Russian counterpart. Secretary JOHANNS—then Secretary, now colleague from Nebraska—was part of that as U.S. Agriculture Secretary. Others here in the Congress have been part of that as members of the Finance Committee.

So currently we have these trade rules that apply to the rest of the world but not to us because Russia is part of the WTO but we haven't granted this important PNTR status. So of the more than 150 countries in the World Trade Organization, we are the only ones that are outside of this agreement at this point. American exporters will only receive those benefits with total certainty if we pass this bill to provide these normal trade relations with Russia. If we fail to do so, we really hold back American workers and businesses from growing in the Russian marketplace, which, by the way, has 140 million consumers. Our European and Asian competitors would have that reliability and certainty that we would lack. When Russia doesn't play by the rules, our competitors around the globe would be able to take them to the world trade court, but we wouldn't. If we think about it, in a way we are shooting ourselves in the foot if we don't move forward with permanent normal trade relations with Russia.

Russia is now the ninth largest economy. Unfortunately, we are underperforming in the Russian market. The United States, the world's greatest exporter, now only accounts for less than 5 percent of Russia's imports. Our competitors in Europe have a 40-percent share of the Russian market. China holds a 16-percent share of that market. So, again, it is a growth economy; it is an economy where we have tremendous opportunities.

I know Chairman BAUCUS talked about this earlier today. I watched him on C–SPAN where he talked about the opportunities in this market and about the need for us to help our exporters here in the United States by opening this potential market for our workers and our farmers. We can do much better if we pass this PNTR bill.

This is certainly true in my home State of Ohio. Ohio already exports about $200 billion a year in goods to Russia, and we want to retain those sales and add even more. This bill impacts a number of businesses with a large Ohio footprint.

Caterpillar, the world's leading manufacturer of construction and mining equipment, is one of them. Caterpillar employs nearly 1,000 Ohioans, including in the Miami Valley in Clayton, and is a great example of the certainty the PNTR bill will bring. With Russia's entrance into the WTO, tariffs on American-made Caterpillar trucks exported to Russia will fall from 15 percent to 5 percent. That allows Caterpillar to be much more competitive in the Russian market. For Caterpillar's off-highway trucks, the tariff reductions exceed

$100,000 per truck. That is a real difference. It is a substantial margin. But if we don't pass this bill, we have no idea how Russia will treat our U.S. exports and we will have no way to hold them accountable.

Other Ohio businesses that will benefit include Procter & Gamble, which sells more than 50 brands in Russia, including detergents, shampoos, and diapers. They have the leading market share, by the way, in 75 percent of the categories in which they compete.

Eaton, which is a company in the Cleveland area and has thousands of employees in northeast Ohio, exports industrial clutches and brakes to Russia and looks forward, again, to the certainty this bill will bring when working with our customers in Russia. They need that certainty.

GE Aviation in Ohio employs about 9,000 people in Cincinnati and has a great opportunity to compete as Russia acquires over 1,000 new civilian aircraft over the next decade.

Ohio's cattlemen strongly support this legislation. Russia has made some important concessions in the negotiations that will help meet the growing demand for U.S. beef in Russia. Russia is currently the fifth largest export market for U.S. beef. According to the USDA, over 48,000 head of U.S. live cattle were sold to Russia just this year. In 2011 Ohio exported over 3,000 cattle to Russia, and we expect that number to rise dramatically.

The bill also contains some items the Russian Government opposes, including the human rights provisions which were discussed earlier here on the floor, inspired by the treatment of Russian lawyer Sergei Magnitsky. Senators CARDIN, MCCAIN, and others have put the spotlight on the corruption and the lack of transparency in Russia. These provisions will clamp down on human rights abusers, denying them visas and putting them on notice that their corruption won't be tolerated by freedom-loving countries such as the United States. The House passed this bill last month on the anniversary of Magnitsky's death, and it is time the Senate does the same.

We also have some provisions in this legislation that will ensure that our trade negotiators keep Russia's feet to the fire in implementing all the various commitments Russia has made, particularly with regard to agriculture. Russia has not always played by the rules. It has been a point of friction between our countries. We need to be sure they do the heavy lifting back home to bring their laws into compliance, including their pervasive use over time of non-science-based standards to discriminate against our U.S. agricultural exports.

I also wish to note my strong concern with Russia's involvement on another front; that is, their involvement in the continuing Syrian conflict. As a member of the Senate Armed Services Committee, I have watched the Syrian situation with alarm, particularly as we have seen it unfolding this week. Russia has been anything but an ally in this case with the support of the Asad regime. They vetoed three U.N. Security Council resolutions aimed at imposing tough sanctions on the Asad regime. When Russia isn't using their veto power to support their Syrian friends, they are arming the Asad dictatorship with over $1 billion, we are told, in weaponry, including attack helicopters, that they are using to continue their terror against their own citizens in Syria.

Let me be clear. While I fully oppose Russia's actions in Syria, this bill is no gift to Russia. In fact, this bill has teeth. It brings Russia into a rules-based system. It is good for America and our economy and our jobs, and I think it strikes a critical balance by giving critical assistance to American companies that want to export their products to Russia's growing middle class, supporting good-paying jobs here at home, while forcing Russia to play by the rules and, again, providing binding penalties if they fail to live up to these international standards.

While I am pleased we are finally moving forward on this bill, I am also disappointed we haven't made more progress over the last 4 years on trade. We didn't make opening new export markets a high priority in the President's first term. I am hoping that will change over the next 4 years because helping U.S. job creators export shouldn't be a partisan issue. Over 100 bilateral trade agreements are being negotiated today as we speak here on the floor. The United States is a party to none of them. We are a party to one multilateral trade agreement which I support, but we need to get back and engage in these bilateral agreements and open markets for our products. We have been sitting on our hands on the side lines in an increasingly global and dynamic economy. This is the first administration actually since FDR not to ask for the ability to negotiate export agreements and bring them to Congress under expedited procedures, which is now called trade promotion authority. And this is something unique. This administration has yet to even ask for it over the last 4 years.

Last year, we finally passed the Korea, Colombia, and Panama export agreements. Hopefully, our bipartisan actions today to boost exports to Russia will signal a new chapter for us to engage as a Congress and with the administration in a much more ambitious and proactive trade policy.

I am pleased this bipartisan bill received such broad support from Republicans and Democrats in the House, getting 365 votes, and I urge my colleagues on both sides of the aisle to now support this legislation before us.

Mr. HATCH. Madam President, I rise to highlight an important provision in the PNTR legislation that requires the United States Trade Representative and the State Department to provide an annual report to Congress on the steps they are taking to advocate for American investors in Yukos Oil, the Russian oil company that was effectively expropriated by the Russian Federation in 2007. The annual report would also include a report on the status of the petition filed by American investors in Yukos to request that the State Department formally ''espouse'' the debt—meaning to make compensation for American investors a matter of bilateral negotiations between the United States and Russia.

More than 40 bipartisan Members of the House and Senate have written letters to Secretary Clinton in favor of the State Department taking up the cause of American investors. The State Department has been closely watching international tribunals adjudicating the claims of non-American international investors in Yukos to help guide its own decision-making. On July 25, 2012, an international tribunal established pursuant to the Spain-Russia bilateral investment treaty ordered the Russian government to compensate a group of Spanish investors for the losses they suffered from the expropriation of Yukos. Likewise, an investor from the United Kingdom prevailed in a similar proceeding in September 2010. These rulings would appear to indicate that there is merit to the claims of the American investors.

When a government abuses its tax and regulatory authority to nationalize the property of foreign investors, it is required to provide compensation to those investors. To date, none of the American owners of Yukos has received any compensation.

I insisted that the Russia PNTR bill incorporate new trade tools and I hope that these will be used to assist in the satisfactory resolution of the claims of American investors in the Yukos case, as well as to assist other American businesses and investors who may struggle with Russian corruption and rule of law issues.

Ms. SNOWE. Madam President, I rise to both support the bill we are considering today but also to discuss the implications of Russia's accession to the World Trade Organization, WTO. I was proud to be part of a unanimous vote for this measure coming out of the Finance Committee and I expect tomorrow we will see a similarly strong showing of support for this significant trade measure. It is not often these days that we see such bipartisan agreement and I welcome it and encourage its expansion into other key areas.

Russia was formally invited to join the WTO on December 16, 2011, and its entry into the WTO became official and effective this past August. There are more than 150 countries in the WTO, and with Russia's entry, now each of those countries have gained an improvement in trade conditions with Russia in the form of lower tariff barriers, easier access to markets and credit, and a variety of less tangible but certainly meaningful benefits including greater transparency and more

enforceable mechanisms for securing property and other rights. We are promised that all WTO member countries will enjoy these privileges in their trading with Russia, but so far we are not among them: if the Congress does not take the opportunity to enact the bill before us, then we are only harming ourselves, as American businesses will be at a serious disadvantage relative to other nations' enterprises in terms of their ability to access the Russian markets. This is not merely theoretical, as my own home State of Maine exported $13.9 million worth of goods to Russia in 2011 alone.

To recognize Russia's entry into the WTO and gain the advantages for American interests that such recognition brings, we must now consider the granting of Permanent Normal Trade Relations or PNTR with Russia. The United States provides PNTR to nearly all nations, but routinely has denied PNTR to communist or non-market countries. Specifically, this restriction has reflected our desire as a Nation that all peoples should be allowed to move freely in and out of their own countries—and the restriction is a reaction to the regimes that do not allow the free movement and emigration of their citizens. America memorialized this freedom-of-emigration concept in the Jackson-Vanik amendment, in large part as a response to the then-Soviet Union's consistent and often harsh limitations on the free movement of its people. The Soviet Union is no more, and now we must repeal Jackson-Vanik before PNTR can be granted. The bill before us accomplishes this significant objective.

But we cannot simply applaud this vote without also accounting for some very troubling issues that remain with Russia. This year and the recent past for Russia have been clouded by a disturbingly long list of concerns about just how modern and democratic Russia may truly be. There are very serious questions regarding the integrity of Russia's electoral process, its support for brutal regimes such as in Syria, its abuse of human rights within its own borders and with its neighbors, its new promise of a massive arms and nuclear warhead build-up, and its near-flagrant disregard for intellectual property rights. We are told that entry into the WTO establishes Russia's willingness to abide by a rules-based system, but reports of corruption throughout Russia seem to belie its ability or willingness to follow the rules it set for itself—so we must ask, how can we trust them to follow the rules when working with others? I am saddened at the thought that, by taking action to provide PNTR to Russia, we are potentially condoning if not rewarding outright the manifold abuses that Russia continues to perpetrate under the guise of, but seemingly in defiance of, the concept of an open and lawful democracy.

It is with that firmly in mind that I applaud our colleague Senator CARDIN, along with Senator MCCAIN, for identifying one way to deal with at least some of our serious concerns about Russia. I am speaking of the Sergei Magnitsky Rule of Law Accountability Act of 2011, or S. 1039. This bill recognizes the tremendous courage that Mr. Magnitsky showed in seeking to expose corruption and fraud in Russia, for which he paid the ultimate price. He was imprisoned and allegedly tortured in an attempt to make him recant the charges he was making, charges that turned out to be accurate, and he died in the hands of his jailers. The legislation would impose visa and asset forfeiture restrictions on those responsible for these foul deeds, and it could set a new standard for addressing future human rights abuses in Russia. I am proud to see this measure included in the bill we are voting on today and its inclusion was critical to my support and, I am sure, that of many of my colleagues. I believe its inclusion helps make this bill a holistic approach that does not punish honest American interests while also not rewarding questionable actors within Russia.

Mr. President, thank you and my colleagues for this vital vote. I look forward to today's debate.

Mrs. FEINSTEIN. Madam President, today I wish to express my support for legislation granting permanent normal trade relations, PNTR, to Russia.

We need to act now so that our exporters can take advantage of Russia's accession to the World Trade Organization, WTO, in August.

The House voted to approve PNTR for Russia on November 16th on a 365–43 vote. The Senate Finance Committee approved its version of the bill on a 24–0 vote in July.

The legislation enjoys widespread support among manufacturers, service providers, and farmers.

It has been endorsed by, among others, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the American Farm Bureau.

As a part of joining the WTO, Russia negotiated agreements with each member, including the United States, making commitments to eliminate non-tariff barriers, protect intellectual property, liberalize key sectors such as services, and improve its business climate.

For example, Russia agreed to: lower tariffs on industrial products from an average rate of 10 percent to 7 percent; not raise tariffs on 90 percent of agricultural products and keep them at 15 percent or lower; join the WTO Information Technology Agreement and eliminate tariffs on major IT products within 3 years; abide by WTO rules on enforcement of intellectual property rights; and remove limitations on foreign equity in telecommunications companies, insurance companies, banks, and wholesale and retail enterprises.

These commitments will be subject to the WTO's dispute settlement process and help promote greater transparency and a more stable business environment for foreign investors.

Since the United States is a member of the WTO, this agreement includes only concessions by Russia. The United States will not lower a single tariff, provide any market access benefits, or make any changes to U.S. trade law.

Under WTO rules, however, in order for the United States to take advantage of Russia's commitments, it must enact permanent normal trade relations for Russia.

Currently, Russia enjoys normal trade relations, NTR, status—the status enjoyed by a trading partner that faces the most favorable U.S. tariffs in exchange for similar benefits for U.S. exports.

This status must be renewed on an annual basis due to a provision enacted in the Trade Act of 1974—the so-called ''Jackson-Vanik'' amendment—in response to concerns about Jewish emigration from the former Soviet Union.

That law conditions normal trade relations status on a country allowing its citizens to emigrate freely.

Russia has consistently met the requirements of Jackson-Vanik since the fall of the Soviet Union and its NTR status has been renewed annually without debate since 1994.

Yet, WTO rules mandate that its members provide each other with unconditional or ''permanent'' normal trade relations. That is, we have to treat each member equally, extending them the most favorable U.S. tariffs in exchange for similar benefits without restrictions.

Otherwise, they are under no obligation to extend the same favorable treatment to U.S. exports.

Since the United States only grants Russia conditional or annual normal trade relations status, the United States is not in compliance with these rules and Russia can refuse to extend the market access commitments it made to join the WTO to U.S. exports.

This is putting our exports at a competitive disadvantage because every other WTO member—155 in total—has permanent normal trade relations with Russia and has been receiving the benefits of Russian membership in the WTO since August.

So while we delay, our manufacturers, service providers, farmers, and workers are losing out on a fast-growing market.

Russia has a gross domestic product of $2.2 trillion, the sixth largest in the world. Its economy is expected to grow by 4 percent annually through 2015, according to the International Trade Administration.

U.S.-Russia trade grew by 37.9 percent in 2011 and total U.S.-Russia trade stood at $42.9 billion.

This mutually beneficial relationship will continue to grow by enacting this legislation.

Let me repeat: for those who may be concerned about this legislation's effects on U.S. jobs, it is important to

point out that the United States will not have to lower a single tariff or make any market concessions on Russian imports by approving permanent normal trade relations.

All concessions will be made by Russia as a part of its agreement to join the WTO.

What does this legislation mean for my home State of California?

Among U.S. States, California is currently the 4th largest exporter to Russia, according to the Coalition for U.S. Russia Trade. According to the Business Roundtable, California exported $665 million worth of goods to Russia in 2011, supporting 2,000 California jobs.

In 2011 California's exported $156 million of computers and electronics to Russia, our top export. Yet, U.S. companies only held 4.2 percent of the Russian import market compared to 36.5 percent for the European Union, EU.

As part of its WTO accession, Russia agreed to eliminate tariffs on IT products and take additional actions to protect IPR, including joining the WTO Information Technology Agreement.

In 2011, California exported $47 million of pharmaceuticals to Russia, but the EU held 77 percent of the import market. As a part of its WTO accession, Russia agreed to lower its tariff to 4.4 percent.

In 2011, California exported $90 million of cars to Russia, the world's 6th largest car market. U.S. cars, however, make up only 4 percent of Russian imports while Japan has 40 percent of the market and the EU has 35 percent.

As a part of its WTO accession, Russia agreed to reduce its tariff on cars from 20–35 percent to 15 percent.

In addition, for California agriculture, Russia has agreed to: lower tariffs on dairy from 19.8 percent to 14.9 percent; reduce its tariff on grapes from 10 percent to 5 percent within 3 years; lower tariffs on cereals from 15.1 percent to 10 percent; and establish lower in-quota tariff rates for pork, poultry, and beef.

Unless we pass permanent normal trade relations, our foreign competitors will be able to use the concessions Russia made when joining the WTO to protect their companies and workers and increase their market share, while the United States will not be able to do the same for our companies and workers.

As a result, failure to pass this legislation will only make it harder for California and U.S. companies to compete in Russia.

The legislation would also impose sanctions on individuals linked to the incarceration and death of Russian lawyer Sergei Magnitsky.

Sergei Magnitsky was a Russian attorney who was arrested in 2008 after alleging wide-scale tax fraud by several law enforcement and government officials. He died in prison a year later due to health complications while awaiting trial.

Investigations later found that Mr. Magnitsky was beaten and did not receive proper medical attention. His case gained international attention and was used to highlight systematic violations of human rights in the Russian judicial system.

It is my hope that this provision will help bring those responsible for Mr. Magnitsky's death to justice and encourage Russia to do more to tackle corruption and promote a greater respect for human rights and the rule of law.

This is critical if Russia is to enjoy the full benefits of WTO membership and attract more foreign investment.

I urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I understand now under the existing unanimous consent agreement we are going to be proceeding to debating a judge. I ask unanimous consent that immediately after the disposition of that nomination, I be the first Democratic Senator recognized when we return to the pending trade bill.

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

EXECUTIVE SESSION

NOMINATION OF MICHAEL P. SHEA TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider Calendar No. 676, which the clerk will report.

The legislative clerk read the nomination of Michael P. Shea, of Connecticut, to be United States District Judge for the District of Connecticut.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, the Senate is finally being allowed to vote today on the nomination of Michael Shea to be a district judge on the U.S. District Court for the District of Connecticut. It has taken far too long for this day to come, but he will be confirmed and I congratulate him and his family on his confirmation and I congratulate the two Senators from Connecticut on finally having this nomination come to a vote.

I mention this not to urge that we confirm him because we will—and I will very proudly vote for him—but Michael Shea is another nominee whose nomination was stalled for months for no good reason. The Judiciary Committee—and the distinguished Presiding Officer serves on that committee and will recall—we gave his nomination strong bipartisan support more than 7 months ago. He has the support of both home State Senators—both Senator LIEBERMAN and Senator BLUMENTHAL. He has significant litigation experience. He is a graduate of Yale Law School. He clerked for the conservative Judge James Buckley in the U.S. Court of Appeals for the DC Circuit following graduation.

We have to ask, why did it take 7 months for the Senate to finally consider his nomination—after waiting 7 months, we will talk about it for 20 minutes, and then we will vote on his nomination. Why the 7-month delay? Republican obstruction.

After this vote, the Senate remains backlogged with 17 judicial nominations that go back to before the August recess. Senate Republicans are establishing another harmful precedent by refusing to proceed on judicial nominees with bipartisan support before the end of the session. They held up judicial nominees 3 years ago, they did it 2 years ago, they did it last year, and now they are doing it again this year.

They have found a new way to employ their old trick of a pocket filibuster. They stall nominees into the next year, and then they force the Senate, in the new year, to work on nominees from the past year. They delay and delay and delay and push other confirmations back in time and then cut off Senate consideration of any nominees.

How else does anyone explain the Republican Senate opposition to William Kayatta of Maine, who is supported by the two Republican Senators from Maine? How else to explain the Republican filibuster and continuing opposition to Robert Bacharach of Oklahoma, who has the support of Senator INHOFE and Senator COBURN, the two Republican Senators from Oklahoma? How else to explain their adamant refusal to consider the nomination of Richard Taranto to the Federal Circuit, when the Judiciary Committee had seven of the eight Republican Senators voting for him? One, Senator LEE, cast a ''no'' vote but said it was a protest on another matter. But every single Democrat voted for him.

These delays may serve some petty political purpose, but the American people do not want petty political purposes. They want our Nation's courts to be staffed. They want the American people who seek justice to be able to get it. So we should take action on all pending nominees and reduce the damagingly high number of judicial vacancies. Federal judicial vacancies remain above 80. By this point in President Bush's first term, we had reduced judicial vacancies to 28.

There were more than 80 vacancies when the year began. There were more than 80 vacancies this past March when the majority leader was forced to take the extraordinary step of filing cloture motions on 17 district court nominations—something I had never seen in my 37 years here. There are going to be at least 80 vacancies after today. Before we adjourn, we ought to at least vote on the 17 pending nominations that could have been and should have been confirmed before the August recess.

From 1980 until this year, when a lame duck session followed a Presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. That is whether there was a Republican or Democratic President or a Republican-controlled or Democratic-controlled Senate.

According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. Somehow, this President is treated differently than all the other Presidents before him. I have been here with President Ford, President Carter, President Reagan, the first President Bush, President Clinton, the second President Bush, and now President Obama. None of those other Presidents were treated in the way this President is treated. It is something Senate Democrats have never done in any lame duck session, whether after a Presidential or midterm election.

In fact, Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including 3 circuit court nominees, in the lame duck session after the election in 2002. I remember. I was the chairman of the Judiciary Committee. I moved forward with those votes, including one on a very controversial circuit court nominee. The Senate proceeded to confirm judicial nominees in lameduck sessions after the elections in 2004 and 2006. Actually, in 2006, we confirmed another circuit court nominee.

We proceeded to confirm 19 judicial nominees in a lame duck session after the elections of 2010, including five circuit court nominees. The reason I am not listing confirmations for the lame duck session at the end of 2008 is because that year we had proceeded to confirm the last 10 judicial nominees approved by the Judiciary Committee in September and long before the lame duck session.

That is our history. That is our recent precedent. Those across the aisle who contend that judicial confirmation votes during lame duck sessions do not take place are wrong. The facts are facts are facts. It is past time for votes on the 4 circuit court nominees and the other 13 district court nominees still pending on the Executive Calendar.

Let's do our job. This is what the American people pay us to do. Let's vote up or vote down, but let's vote.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Iowa.

Mr. GRASSLEY Mr. President, today, the Senate turns to the confirmation of another U.S. district judge. According to the Congressional Research Service, the Senate rarely confirms judicial nominees during a lameduck session in a Presidential election year. It did so in a very limited fashion in 1944, 1980, and 2004.

The last time a President was reelected—President Bush in 2004—only three judicial nominees were confirmed following the election. That year, following President Bush's re-election, 23 judicial nominations that were pending either on the Senate Executive Calendar or in the Judiciary Committee were returned to the President when the Congress adjourned in December.

Today's vote, the second post-election judicial confirmation, is somewhat of a milestone for this President. It is the 100th judicial confirmation during this Congress. That happens to be the same number of confirmations during President Bush's first term when the Democrats controlled the Senate and chaired the Judiciary Committee. I have heard the chairman rightfully take pride in that accomplishment. Today we match that record. So I think that the continued complaints we hear about how unfairly this President has been treated are unfounded.

Despite our cooperation, we continue to hear the other side argue that since the President won re-election, we shouldn't follow past practice, but rather we should confirm a large number of nominations during this lame-duck session. Recently one of my colleagues on the other side stated: ''From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed.''

I suppose this is meant to imply there is some long record of routine confirmations following a Presidential election. But again, that is simply not the case. The record is one circuit confirmation in 1980, and three district confirmations in 2004. That is it. From 1980 through 2008, those four nominations represent the entire list. With today's vote we will add two more confirmations to that exclusive list.

This year we have already confirmed 32 district judges and 5 circuit judges. Today's vote meets or exceeds the confirmations for Presidential election years in recent memory. In fact, going back to 1984, there has been only one Presidential election year in which more district judges were confirmed. Let me emphasize that point: In only one of the past eight Presidential elections have more district nominees been confirmed.

Today we vote on the nomination of Michael P. Shea, to be U.S. district judge for the District of Connecticut. With this confirmation, the Senate will have confirmed 160 of President Obama's nominees to the district and circuit courts. During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. This Presidential election year we have exceeded those numbers. We have confirmed 5 circuit nominees, and Mr. Shea's confirmation will be the 33rd district judge confirmation. That is a total of 38 judges this year versus 28 in the last Presidential election year.

Finally, I would note that Mr. Shea was not reported out of committee by a unanimous vote. There were concerns about part of his record, and that resulted in a few ''no'' votes in committee. I supported the nomination in committee and will do so again today. But for those who argue that the Republicans have delayed this nomination just to obstruct, that is not the case.

Mr. Shea received his B.A. from Amherst College in 1989 and his J.D. from Yale Law School in 1993. Following graduation from law school, he clerked for James Buckley, U.S. circuit judge for the District of Columbia Circuit. Mr. Shea began his legal career in 1994 at Clearly, Gottlieb Steen & Hamilton in Washington, DC where he worked primarily on civil and criminal antitrust matters. In October 1995, he moved to Clearly Gottlieb's Brussels, Belgium, office, where he continued to work on antitrust matters, including European Union antitrust issues, as well as international business transactions in Eastern Europe and Africa. In the summer of 1998, he returned to the DC office where he assisted in defending a corporate client in a large money laundering prosecution.

In September 1998, Mr. Shea returned to Connecticut, accepting a position as an associate at Day, Berry & Howard, now known as Day Pitney. In 2003, he became a partner with the firm. His career there has spanned a broad range of civil and criminal litigation. His practice included trials and appeals in commercial, civil rights, personal injury, criminal, family, and other cases.

He has tried nine cases to verdict, judgment or final decision. In the past decade, he argued 20 appeals, including 6 at the U.S. Court of Appeals for the Second Circuit. The American Bar Association's Standing Committee on the Federal Judiciary gave him a Unanimous Qualified rating.

Again, I support this nomination and congratulate Mr. Shea on his anticipated confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for the nomination of Michael Shea to serve as the next Federal district court judge for the District of Connecticut. As the Presiding Officer heard—and I did as well—Chairman LEAHY and Senator GRASSLEY expressed very different analyses of the pace at which this Senate is confirming judicial nominations of President Obama, but I note, with gratitude, that both of them expressed support for this particular judge, Michael Shea, and it gives me confidence that he will receive the confirmation vote today that he deserves.

I suppose, because I am at the end of the privilege of serving as a Senator for 24 years, I am looking back at various opportunities and experiences I have had.

It strikes me at this moment that I should say what I am sure is felt by all

of my colleagues; that is, while it is often said of Presidents of the United States that the most important decisions they make are the people they put on the Federal bench, particularly Justices of the Supreme Court because those Justices and judges serve long after a President has left office and continue to affect the course of our country of justice under law, the same really can be said with regard to Senators and the role we play in proposing nominees for the Federal district courts in our States.

I must say as I look back at the time I have been privileged to be in the Senate, working with Senator Dodd and now with Senator BLUMENTHAL, I am proud of the people we have helped onto the district courts for the District of Connecticut, obviously, with a lot of support from nominating Presidents of both parties and from people of both parties in the Senate Judiciary Committee and on the Senate floor.

The district court bench in Connecticut is an impressive group and quite a diverse one as well. Michael Shea, if confirmed, will add to its excellence and its legal heft. In November of last year, Judge Christopher Droney left the district court when the Senate confirmed his nomination to serve on the Federal Court of Appeals for the Second Circuit. Judge Droney's vacancy gave Senator BLUMENTHAL and me the opportunity to recommend his replacement.

We took this responsibility seriously. We brought together an advisory panel of nine Connecticut citizens who considered more than 20 candidates for this spot. The panel included a former chief justice of the Connecticut Supreme Court, a former U.S. attorney, several partners at major Connecticut and national law firms, and academic, business, and community leaders throughout the State. Their insights and hard work throughout the process were invaluable to my colleague from Connecticut and I. I express on this floor my gratitude to them for their service.

Based on the work of the advisory panel and our review of its recommendations, Senator BLUMENTHAL and I recommended Michael Shea to the President for nomination. I will say that Michael was ranked very high among the highly qualified applicants for this position by all members of the advisory panel. I should say right at the outset that we are grateful to President Obama for nominating him for this place on our court.

Michael Shea is a native of West Hartford, CT, a graduate of Amherst College and Yale Law School, served as a clerk to Judge James Buckley, though a resident of Connecticut, and sat on the U.S. Court of Appeals for the District of Columbia. Michael Shea clerked for Judge Buckley in 1993 and 1994. I will say that Judge Buckley sent our advisory committee and, I believe, the Judiciary Committee and Senator BLUMENTHAL and me a very thoughtful, positive, personal letter of recommendation on Mr. Shea's behalf.

After concluding his clerkship, Michael Shea joined the firm of Cleary, Gottlieb, Steen & Hamilton as an associate, where he stayed for 4 years working on both criminal and civil cases and for a period of time was dispatched to the Brussels, Belgium, office of the firm working on an antitrust investigation. But much more significant than his legal work, in Brussels he met his wife Frederique, and together they now have three wonderful children.

Since 1998, Michael Shea has been a partner at Day Pittney, LLP, where his practice has included trials and appeals in commercial, civil rights, personal injury, criminal, and other cases. He is currently the chair of the firm's Appellate Practice Group. But we found in talking to lawyers and judges around Connecticut on the State and Federal bench that Michael Shea is quite simply one of the most experienced and broadly respected litigators in our State.

If confirmed, he will bring to the district bench an enormous background of experience in our courts. I want to add that Michael Shea also serves his community in various charitable organizations, including the Nutmeg Big Brothers and Sisters, and the Supreme Court Historical Society.

In 2008, as a result of pro bono work Michael has consistently done representing indigent criminal defendants, he received the Connecticut Bar Association's Pro Bono Award for successfully protecting a young mother from having to return her children to an abusive father who lived abroad.

First, I thank Michael Shea for his interest in serving on the Federal bench of Connecticut. I am honored to present him, along with Senator BLUMENTHAL, to our colleagues in the Senate. He is a first class nominee.

Again, I thank the President for nominating him. I am confident that the President's trust in Mr. Shea will be more than vindicated by the years of judicial service that he will give our State and country.

I am now glad to yield the floor to my colleague from Connecticut, Senator BLUMENTHAL, who I am sure, with my successor, CHRIS MURPHY, will continue to fill vacancies as they arise. There is one now with the same high level of nominee as we have been privileged to do together in this case.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, let me first thank my colleague, Senator LIEBERMAN, for the extraordinary work he and my predecessor, Senator Dodd, have done in filling our U.S. District Courts with some of the most eminent jurists in the United States.

As he has remarked so eloquently, part of the living legacy of the Senate and of individual Senators is, in fact, the men and women whom we recommend to serve in this critically important decision.

As someone who has been a trial lawyer, who has practiced for a few decades in the Federal district courts of our country, I know personally that these men and women for most Americans are the voice and face of justice in our Federal courts. The U.S. Supreme Court may be the highest Court in the land, but most litigants go no higher than the U.S. District Court, and for them fairness and justice is the voice and face of the U.S. district judge.

So I thank the Senator for the great work he has done. In decisions based on merit, without regard to personality or politics, he has participated in recommending some of the best of the best men and women to serve on our Federal bench.

Michael Shea epitomizes that quality of fairness, intellect, and dedication to public service. He is a native of Connecticut, but his experience is national and international in scope. I am not going to repeat all of the extraordinary credentials that Senator LIEBERMAN has described so well. I just want to say that on a level that is as important as any professional credentials in terms of temperament, he is the kind of person we want on our bench. He is unpresuming, unassuming, self-effacing, understated, but powerfully attentive to individual facts and personal circumstances.

He has compassion and conviction, principle and impeccable honesty and integrity, and he has an empathy for people who are in distress, who are in need of somebody to listen. That may be a quality that is preeminently important on the bench, the ability to listen and the attention to detail.

Mr. Shea has served as counsel for criminal defendants. He has argued 20 appeals, including 6 to the Second Circuit. He has tried 9 cases to verdict. He has served as counsel to the Bridgeport Roman Catholic Diocese in first amendment matters. I worked with him personally in a professional capacity when I was attorney general of the State of Connecticut. I know him as someone who will do justice and love mercy.

He is a man whom we can be proud to support. I am proud to support him. I thank President Obama for nominating him and the chairman of the Judiciary Committee, PATRICK LEAHY, for his leadership on our committee in making sure he had a hearing and a vote, and now this vote is here.

I thank also our ranking member, Senator GRASSLEY, for his graciousness in stating that he would support him. My hope is that the U.S. District Court of Connecticut, which faces a backlog now, will have the good fortune to have remaining vacancies filled at the earliest possible date by lawyers as eminently qualified as soon-to-be judge Michael Shea. I thank this body in advance for approving him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. I yield back all remaining time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael P. Shea, of Connecticut, to be U.S. District Judge for the District of Connecticut?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from South Carolina (Mr. DEMINT), and the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''nay,'' and the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay.''

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

The result was announced—yeas 72, nays 23, as follows:

[Rollcall Vote No. 222 Ex.]

YEAS—72

Akaka	Graham	Merkley
Ayotte	Grassley	Mikulski
Baucus	Hagan	Moran
Begich	Harkin	Murkowski
Bennet	Hatch	Murray
Bingaman	Hoeven	Nelson (NE)
Blumenthal	Inouye	Nelson (FL)
Boxer	Johanns	Portman
Brown (MA)	Johnson (SD)	Pryor
Brown (OH)	Johnson (WI)	Reed
Burr	Kerry	Reid
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Kyl	Sessions
Casey	Landrieu	Shaheen
Coats	Lautenberg	Shelby
Collins	Leahy	Snowe
Conrad	Levin	Stabenow
Coons	Lieberman	Tester
Corker	Lugar	Udall (CO)
Durbin	Manchin	Udall (NM)
Feinstein	McCain	Warner
Franken	McCaskill	Whitehouse
Gillibrand	Menendez	Wyden

NAYS—23

Barrasso	Enzi	Risch
Blunt	Heller	Roberts
Boozman	Hutchison	Rubio
Chambliss	Inhofe	Thune
Coburn	Isakson	Toomey
Cochran	Lee	Vitter
Cornyn	McConnell	Wicker
Crapo	Paul	

NOT VOTING—5

Alexander	Kirk	Webb
DeMint	Rockefeller	

The nomination was confirmed.

Mr. COBURN. Mr. President, I wish to explain my vote against Mr. Michael Shea, nominee to the District Court of Connecticut. My decision is based on Mr. Shea's assistance in drafting an anticus brief in the Supreme Court case of Kelo v. New London on behalf of the Connecticut Conference of Municipalities and other municipalities.

The Kelo decision delivered a serious blow to private property rights by upholding a municipality's use of eminent domain to seize private homes and transfer the property to a pharmaceutical company for purposes of ''economic development.'' As Justice Sandra Day O'Connor stated in her dissent, the ''Court abandoned its long-held, basis limitation on government power'' in the Kelo case. The Fifth Amendment of the Constitution states: ''No person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.'' The Kelo decision altered what was traditionally viewed as ''public use.'' As Justice O'Connor noted, as a result of this decision, ''Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory. . . . Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms.''

In contrast, Mr. Shea's amicus brief argued the eminent domain action taken by New London was constitutional and should be upheld. He asserted the ''taking of some of the petitioners'' homes'' is ''undeniably a genuine cost of realizing the City's goal of improving the economic well-being of its citizens?' But, the Public Use Clause ''sweeps as broadly as the [State's] police powers.'' He said siding with the Kelo plaintiffs in the case would ''contort'' the Public Use Clause. Justice Stevens, the author of the 5–4 majority opinion in Kelo, cited Mr. Shea's brief in his opinion.

Perhaps the saddest aspect of this case is the ''economic development'' that was key to the taking being a ''public use'' never happened because the developer could not get funding. Susette Kelo lost her property for nothing. The site of her former home is a garbage dump. This fact exposes another reason the takings clause was only intended for public use, because the government is more likely to have the funding ready to use the property. Normally, I would not hold a lawyer responsible for the legal views of his clients, but the Kelo decision dealt such a serious blow to private property rights, a crucial element of our founding principles, and so clearly departs from the original understanding of the Constitution, I feel I must vote no.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

The Senator from Michigan.

RUSSIA AND MOLDOVA PNTR

Mr. LEVIN. Mr. President, the Russia PNTR bill that is before us takes a long overdue action by ending the application of Jackson-Vanik sanctions to Russia. Jackson-Vanik is no longer relevant to Russia because Russia no longer restricts the free emigration of its people.

The Soviet Union began to relax its restrictions on Jewish emigration in 1987, during Gorbachev's perestroika. Following the collapse of the Soviet Union in 1991, millions of Soviet Jews were permitted to leave. Since then, Russia has allowed free emigration.

I have felt for a long time that we should have graduated Russia from Jackson-Vanik when Jackson-Vanik's noble purpose was achieved, rather than waiting years, often in the effort to make other points relative to Russia on other issues. First some history.

In 2007, I met with Rabbi Lazar, chief rabbi of Russia, regarding Jackson-Vanik. He urged passage of legislation ending the application of Jackson-Vanik to Russia.

Also in 2007, I received a letter from the chairman of the Federation of Jewish Communities, which represents presidents and rabbis of over 200 Jewish communities in Russia, a letter which urged me to work to graduate Russia from the Jackson-Vanik amendment in view of the fact that its goals had already been met. Part of his letter reads as follows:

> [W]e are thankful for all your efforts toward gaining freedom for our country's Jews. We will always appreciate the role of Jackson-Vanik in bringing about change. We also remain grateful to those who forced the U.S.S.R.'s Communist regime to permit Jews to emigrate, and to end discrimination. For us this was a huge morale boost—Jews behind the Iron Curtain were thrilled that Americans were willing to risk political and economic confrontation, in order to stand up for the freedom and rights of their fellow human beings.

He continued:

> Nevertheless, in the last 15 years the situation has changed, radically. The freedom for Soviet Jews to live wherever they desire was fully obtained; nearly a million Jews from the F.S.U. now live in Israel, while hundreds of thousands live in other countries throughout the world. We are positive that these developments were in part thanks to the American lawmakers who supported the Jackson-Vanik amendment. Yet we now see a backward migration, when Jews from abroad move back to Russia. This proves that Jews in Russia feel as confident as those inhabiting other countries of the Free World.

The rabbi added: ''The provisions of the Jackson-Vanik amendment have

already achieved the goals of its initiators.'' That was in 2007. Mr. President, I ask unanimous consent that the letter from the Federation of Jewish Communities of Russia be printed in the RECORD.

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

FEDERATION OF
JEWISH COMMUNITIES OF RUSSIA,
APRIL 16, 2007.

Hon. Senator CARL LEVIN,
Russell Bldg.,
Washington, DC.

DEAR SENATOR LEVIN: I am writing this letter in my name and in the name of the Presidents and Rabbis of over 200 Jewish communities throughout our country which comprise the Federation of Jewish Communities. I am writing to you on behalf of our constituency, to ask you to work to graduate Russia from the Jackson-Vanik amendment in view of the fact that its goals have already been met.

We know that the fate of Soviet Jewry is important to you, and we are thankful for all your efforts towards gaining freedom for our country's Jews. We will always appreciate the role of Jackson-Vanik in bringing about change. We also remain grateful to those who forced the USSR's Communist regime to permit Jews to emigrate, and to end discrimination. For us this was a huge morale boost—Jews behind the Iron Curtain were thrilled that Americans were willing to risk political and economic confrontation, in order to stand up for the freedom and rights of their fellow human beings.

Nevertheless, in the last 15 years the situation has changed, radically. The freedom for Soviet Jews to live wherever they desire was fully obtained; nearly a million Jews from the F.S.U. now live in Israel, while hundreds of thousands live in other countries throughout the world. We are positive that these developments were in part thanks to the American lawmakers who supported the Jackson-yank amendment. Yet we now see a backward migration, when Jews from abroad move back to Russia. This proves that Jews in Russia feel as confident as those inhabiting other countries of the Free World.

Today the Jewish people have equal rights with the general population. Jewish life in our country has experienced dynamic growth. While it is well known that during the years that Communism ruled we were forbidden to pray in synagogues, and to learn the Torah or Hebrew, now, most of the larger cities have built community centers, Jewish schools, day care centers, humanitarian facilities, and artistic collectives, in addition to synagogues. The country's leaders, inducting the President, regularly visit Jewish communities. Russia's Jews are treated as equal citizens and any outburst of anti-Semitism is met with harsh consequences.

The provisions of the Jackson-yank amendment have already achieved the goals of its initiators. At this point a public ceremony marking the official graduation of Russia from the provisions of the amendment would be a tremendous opportunity to remind the rest of the world that the U.S. has successfully completed a policy initiative, and will continue to look after the needs of the Jewish people and to defend them from discrimination. At the same time, the abolishment of this amendment in respect to Russia would reiterate to the rest of the world that America is ready to commit the resources necessary to the needs of the Jewish people. It would also demonstrate fairness, acknowledging that when a ''carrot and stick'' policy is pursued, the reward for compliance will, in fact, be paid as promised.

Thanking you in advance for your kind help, I remain,

ALEXANDER BORODA,
Chairman, FJC Russia.

Mr. LEVIN. So I am glad, very glad, that finally, the Jackson-Vanik law is no longer going to apply to Russia.

Not only does the bill under consideration grant Russia PNTR, it also contains enforcement provisions that my brother, Congressman SANDER LEVIN, fought for to address concerns about Russia's compliance with its WTO obligations and other trade concerns such as Russia's persistent failure to stop intellectual property rights infringement, and to help promote the rule of law in Russia. These are important enforcement tools that will give us a chance to monitor Russia's progress in fulfilling its commitments. I have looked forward to getting these actions accomplished in PNTR legislation.

The bill before us also includes the Sergei Magnitsky Rule of Law Accountability Act of 2012 which was inspired by the Russian whistleblower Sergei Magnitsky, who was ruthlessly murdered. The legislation would require that human rights violators in Russia be identified and that we deny them U.S. visas as well as freeze their U.S. assets.

However, and here's the problem for me, the Magnitsky language before us is not the Magnitsky language adopted by our Finance and Foreign Relations committees. Their Magnitsky language applied the same sanctions to human rights violators wherever they might be—whether in Russia, or Syria, or Sudan, or North Korea, or China, or in any other country.

In other words, the Senate committee-approved bill wisely adopted a global Magnitsky standard. The reasoning for this is sound, because while the mechanism of U.S. visa denial for human rights violators was inspired by a single case in a single nation, the principles that it seeks to advance are universal. This bipartisan Senate committee bill, unlike the House-passed version of the Magnitsky Act that we will soon vote on, does not single out Russian human-rights violators for visa denial, but would apply the visa denial mechanism to people from any country who violate important human rights standards. The United States should be clear and firm in its commitment to protecting human rights, wherever the violations occur, and to holding those who violate those rights accountable to the best of our ability, including denying them visas to come to our country. Human rights do not end at the borders of Russia, and anyone who violates those standards, as so many did so blatantly in the case of Sergei Magnitsky, should be held accountable.

Applying the Magnitsky provisions globally, as the Senate bill approved by our committees did, follows in the spirit of Jackson-Vanik, which, while inspired by events in the Soviet Union, was not limited to the Soviet Union.

The Senate Foreign Relations Committee and the Senate Finance Committee both voted unanimously to report a version of the Magnitsky bill that applies its sanctions globally. Senators CARDIN and KYL have worked, on a bipartisan basis, to build support for that global standard, and I strongly support their effort. I commend them on their effort.

So why is that Senate committee-reported bill not before the Senate? Why would we deny visas only to Russian human rights violators? Why diminish the universality of the values the Magnitsky bill seeks to uphold?

Applying the sanctions contained in this bill solely to Russians, as the House version does, not only diminishes a universal value. Because it adds a political twist, it will stoke a nationalistic response in Russia. If this bill does not apply the same rule to all human rights violators, if it singles out Russian human rights violators, President Putin will no doubt appeal to the nationalistic passions of many Russians by saying that our bill isn't aimed at protecting human rights, but is aimed at Russia. We should not hand President Putin that argument.

The Senate bill, as approved by our committees, very appropriately pays tribute to the man whose tragic death inspired the legislation, and applies its message universally. I deeply regret that the House bill before us does not take that approach.

I don't understand why we are not taking up the Senate version, the version approved by our two committees, and applying these standards universally. The only answer I get is that the House of Representatives might not accept the Senate version. Well, we should do what we believe in, as reflected in two unanimous votes in two committees, and not be derailed by a prediction that the House will not accept our version. There is time left in this session to test that prediction. The failure to do so is inexplicable to me. The House of Representatives did not have a vote focusing on the issue of applying these sanctions globally. We should give them a chance to do so.

In summary, it is important that we lift the Jackson-Vanik sanctions. It is important that we speak out on the tragic death of Sergei Magnitsky and hold those responsible to account. These are issues on which I believe so strongly and that I have worked long and hard, particularly on Jackson-Vanik, to achieve. Taking these steps should be a cause of celebration.

But the violations of human rights that the Magnitsky bill seeks to remedy are far too widespread for us to apply remedies only to Russians human rights violators. The United States has an opportunity here to make a strong, unmistakable statement about the sanctity of human rights. We should want that statement to ring out not just in Moscow, but around the world.

I know some of my colleagues have expressed hope that we can pass legislation to address this issue in the next Congress. I know of no reason to believe that we will have significantly greater chances of accomplishing this goal next year than we do today.

Mr. President, over the next few weeks, we have time to conference and pass a defense authorization bill. We have time to debate and avoid the fiscal cliff. We have time to address a farm bill and dozens of other important issues. And we have time to address the transcendent issue of the universal rights of mankind.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise today in strong support of the legislation before us to enact permanent normal trade relations with respect to Russia and Moldova. This legislation will also put in place a new mechanism for combating human rights abuses and strengthening the ruling of law in Russia commonly known as the Magnitsky bill. The economic argument for the legislation before us is clear. Russia is the world's sixth largest economy; the world's fifth largest global importer of agricultural products, and home to 140 million potential customers, the largest consumer market in Europe.

Russia is already an important and growing market for U.S. businesses. Of the top 15 U.S. trading partners, Russia was the market where American companies enjoyed the fastest export growth last year, at 38 percent. If we enact PNTR, it is estimated that U.S. exports of goods and services to Russia could literally double over the next 5 years. That is why groups ranging from the American Farm Bureau to the National Association of Manufacturers to the National Corn Growers, just to name a few, strongly support PNTR.

Just last week I met with representatives from the South Dakota Soybean Association, and I was reminded of the importance of Russia as a growing export market to my State of South Dakota. While greater access to the Russian market will benefit a wide range of U.S. companies, such as manufacturers and service providers, I would be remiss not to point out the enormous opportunity for America's agricultural producers in Russia. Consider that Russia is the world's largest importer of beef on a quantity basis, with imports of nearly $4 billion last year. Russia is the world's fifth largest importer of pork products as well as the world's largest importer of dairy products.

Despite the problems we have encountered recently with respect to our poultry exports, America remains the single largest supplier of poultry to the Russian market, accounting for 50 percent of Russian poultry imports last year.

Under the terms of Russia's WTO accession, which occurred last year, Russia is obligated to reduce tariffs across a wide range of agricultural products while also adhering to WTO rules regarding sanitary and phyto-sanitary measures. Once we have enacted PNTR the United States will have the ability to enforce visa commitments through the World Trade Organization dispute settlement process.

It is important to note that our vote on passage of this bill is different than voting on a trade agreement where both sides make concessions in order to reach a conclusion. In contrast, our vote on the House-passed Russia PNTR bill is entirely one-sided in favor of the United States. Russia joined the World Trade Organization in August and will remain a member of the WTO regardless of what we do with respect to PNTR.

We are not giving Russia anything new because they have received PNTR on a recurring annual basis for the past 20 years. The only issue today is whether we will now allow U.S. businesses to take full advantage of the new trade commitments that Russia has made as part of joining the World Trade Organization. If we do not act, American manufacturers, farmers, ranchers, and service providers will remain at a competitive disadvantage relative to their foreign competitors doing business in Russia.

At a time when our economy is growing more slowly than any postrecession recovery since World War II, failure to enact PNTR makes no sense. American export growth has been one of the true bright spots since the great recession.

According to the Department of Commerce, jobs supported by exports increased by 1.2 million between 2009 and 2011.

If we are serious about encouraging job creation, we need to continue to open new job markets abroad for American exports. Normalizing our trade relationship with Russia is an important step in the right direction.

While this legislation is about supporting American jobs by promoting our exports, we should also recognize the importance of the Magnitsky provision included in this bill at the insistence of Senators CARDIN, KYL, MCCAIN, and WICKER, among others. By replacing the outdated Jackson-Vanik law with a new mechanism to support democratic reforms in Russia, this legislation will strengthen the rule of law while combating corruption and human rights abuses.

The only thing surprising about this vote is that it did not happen sooner. Nearly 6 months ago, on June 12, I joined Senators BAUCUS, MCCAIN, and KERRY in introducing legislation to enact PNTR. With the leadership of Senator HATCH and others, we approved the PNTR legislation in the Finance Committee by a unanimous vote on July 18.

Unfortunately, many of us believe the administration did not push forcefully enough for enactment of PNTR before Russia joined the World Trade Organization in August. As a result, we are just now finally considering this legislation more than 3 months after Russia's WTO accession.

Nevertheless, I look forward to enactment of this bill, especially considering the overwhelming bipartisan vote of approval for this legislation in the House of Representatives just a few weeks ago. While today's vote is specific to Russia and Moldova, I hope this vote will remind us of the importance of moving forward on trade in general. It is an unfortunate reality that when America stands still on trade, we are actually falling behind relative to the rest of the world. There are more than 100 new free-trade agreements currently under negotiation around the world. Yet the United States is party to only one of those negotiations, the Trans-Pacific Partnership.

The United States has not successfully negotiated a single new trade agreement during the 4 years of the Obama administration, and this administration has not yet asked Congress for a renewal of trade promotion authority, despite the fact that TPA expired over 5 years ago. The cost of inaction on trade is high because we live in a global economy where American producers rely on access to foreign markets. More than 95 percent of global consumers live outside the United States.

Consider that in 1960 exports accounted for only 3.6 percent of GDP. Exports account for 12.5 percent of our GDP. Exports of U.S. goods and services supported over 10 million American jobs. If we do not aggressively pursue new market opening agreements on behalf of American workers, we will see new export opportunities go to foreign businesses and foreign workers.

So while I am pleased that we are considering PNTR today, I hope President Obama in his second term will recognize the potential for increased trade opportunities through a more aggressive trade agenda. I look forward to the President signing this legislation into law, and I urge all of my colleagues to vote for the legislation before us when that vote comes up tomorrow at noon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. The bill before us, the permanent normal trade relations with Russia, is important legislation to expand trading opportunities. I was thinking, as the Senator from South Dakota spoke about this debate on the floor and what it was like around this Chamber several decades ago when this issue was raised and there was a strong feeling for the Jackson-Vanik provisions which prohibited certain trade between the United States and so-called communist countries of their day, there were those voices on the other side, many from the Heartland such as Senator THUNE and myself. Senator Humphrey used to say, sell anything that can't shoot back at us, and that meant a lot of wheat sometimes and other agricultural commodities.

I will speak to that trade relation aspect in a second, but before I do, I want to address an aspect of this bill that is very important to me and should be to every Member of the Senate.

I am honored to be the chair of the Judiciary Committee Subcommittee on the Constitution, Human Rights and Civil Rights. We have had a series of hearings on the issues of human rights and laws in the United States that affect them. I have also been honored to join with Senator CARDIN of Maryland who chairs our Helsinki Commission Senate Delegation and has been on several trips overseas. He has made human rights a part of that commission and part of the United States.

One of the aspects of this bill is so important. Sadly today in the country of Russia we are seeing evidence of brutal and horrific treatment of individuals and abuse of human rights. Senator CARDIN—who I said earlier is a great voice of human rights in the Senate—introduced legislation in this Congress that would impose U.S. visa bans and asset freezes on those who commit gross human rights violations around the world. That is a Cardin amendment which I thought was a good one. The idea was simple: Those who commit such acts that are so contradictory to American values should not be allowed to visit or stash their wealth in our country, period.

The inspiration of this came from a terrible episode which occurred in Russia. A lawyer named Sergei Magnitsky died a tragic death while in custody in Russia after being arrested for uncovering official corruption. Magnitsky was working for Hermitage Capital, once the largest Russian-only fund in the world. Drawn into the feud between the fund and Russian law enforcement authorities, he testified that senior Russian Interior Ministry officers had used his employer's companies to embezzle $230 million from the Russian treasury.

Later the same police officers he accused arrested him. They held him without bail on charges of evading taxes. After 11 months in custody, repeatedly being denied medical care, he died at age 37. Russia's top investigative commission said that he died of heart disease and hepatitis that he could have survived with basic medical care. A parallel Russian Presidential advisory report said that he may have died because of a beating while in prison.

Over time prison officials were dismissed but got jobs elsewhere. Russian authorities have also occasionally raised the prospect of a more thorough investigation, but they ignored extensive evidence linking police officials to Magnitsky's death. Incredibly, some of those involved have even received medals for meritorious service by the Russian Government.

Sergei Magnitsky's death is part of a deeply troubling retreat on basic political freedom and human rights in Russia. Activists and human rights leaders were harassed, often threatened with new sweeping treason laws for speaking up against fraud, corruption, or denial of basic rights. We saw what happened to Sergei Magnitsky when he tried to speak out against corruption. I am saddened that the leadership of a great nation such as Russia is resorting to these hideous tactics. They are a throwback of the worst of the Soviet era. Our friends the Russian people deserve a vision that looks forward to a new future that includes freedom and human rights, not the past which adds sad chapters of the denial of both of these.

I am pleased today to speak in support of this bill. Unfortunately, it doesn't include the original Cardin amendment. The original Cardin amendment had a global reach and said that we would treat virtually anyone guilty of these crimes the same way, denying visas and freezing their assets in the United States. Incidentally, that provision is said to be similar to an amendment that I just offered on the Defense authorization bill as it related to supporting the M23 rebels causing mayhem in the Congo.

Unfortunately, the new provision modification of Senator CARDIN's original limits the activities to those that occurred in Russia. He and I both wish it had gone farther, but often those imposing harsh and arbitrary violations of their own people like to travel and hide their money. They should not be allowed to do it in the United States. If they want to enjoy the benefits of the United States, respect our basic democracy and values.

Let me say a word about the overall bill. It is an important step forward and creates more opportunity for trade. I believe trade opens the doors for exchanges of ideas, people, culture, and opens the doors to democracy.

The United States exported nearly $43 billion in goods to Russia in 2011. My State of Illinois exported $287 million in heavy equipment alone, such as bulldozers and tractors. Extending permanent normal trade relations to Russia will ensure business not only in Illinois but across America to make sure we don't suffer a disadvantage of trade with Russia.

Russia has made a dramatic break with the Soviet past. The United States can help Russia on its path to an even better future, one that is more integrated socially and economically.

I again commend Senator CARDIN for ensuring that our Nation's intolerance for human rights violations is not part of this process. And to the many Russian people who are trying to push for a more open and transparent country, we applaud their noble and courageous efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise today in strong support of the legislation before us, the repeal for Jackson-Vanik for Russia and Moldova and the Sergei Magnitsky Rule of Law Accountability Act.

The two main components of this package represent a win-win for U.S. businesses and for human rights defenders in Russia. Chairman BAUCUS and Chairman KERRY deserve a lot of credit for working together to get us to this point.

I also want to join my colleague Senator DURBIN in singling out and commending Senator CARDIN of Maryland for his tremendous effort to bring this historic piece of human rights legislation to the floor tonight.

As one of the original cosponsors of the Magnitsky Act, I remember back in May of last year when Senator CARDIN first introduced the bill. Since that time, he has been the driving force that has pushed this measure forward. It has taken a lot of patience, a lot of perseverance, but his work on behalf of human rights in Russia has paid off, and he is a big reason why we are here debating this bill today.

This legislation comes at a complex time in the bilateral relationship between the United States and Russia. The truth is the history of this relationship has always been full of complexity and seeming contradictions, and today is no different.

Over the last 4 years the subtle change in tone brought on by the reset has allowed us to establish substantial progress on some limited areas of mutual interests including the New START Treaty, Afghanistan, and Iran.

In addition, Russia has finally joined the World Trade Organization, which is another mutually beneficial outcome. Russia will become a more fully engaged member of the global trade community, and in exchange it will be forced to abide by internationally recognized rules on trade and investment, including international property enforcement, the elimination of some key tariffs, and greater transparency in its laws and regulations.

Despite these obvious advantages for the United States, our businesses are currently stuck on the sidelines and unable to benefit from Russia's accession because of the outdated Jackson-Vanik legislation. Although it was successful in its time, Jackson-Vanik remains the last obstacle for U.S. businesses to gain critical access to Russian markets and create jobs here at home.

The legislation before us now retires Jackson-Vanik and lets American businesses compete with the rest of the world to sell exports to and attract investment from Russia. Each and every State stands to gain from this legislation. In my home State of New Hampshire, exports to Russia have been on the rise over the last 2 years, particularly with respect to transportation equipment, computers, electronics, and machinery. If given the opportunity, I am confident that New Hampshire businesses will be able to successfully compete in the growing Russian market, and this legislation will help them

to do that. So even as we seek areas of mutual interest with Russia, we should be honest and admit that areas of disagreement remain.

Perhaps the most pressing issue for today's relationship with Russia is the human rights situation there. Indeed, over the last 6 months we have seen perhaps the worst deterioration in Russia's human rights record since the breakup of the Soviet Union. The Putin government has enacted a series of laws that restrict protests and public expression and severely constrain civil society in the country.

As some may know, my home State of New Hampshire has a motto that is well known throughout this country. It is: ''Live free or die.'' We are not ambiguous regarding how we feel about the principles on which this country was founded. The United States is not, should not, and will not be shy about our staunch support for democratic values around the world. When it comes to Russia, we should be no different.

The Magnitsky bill before us is an important tool to raise the profile of human rights in Russia. It is supported almost unanimously by opposition and civil society figures across Russia. The case of Mr. Magnitsky is a tragic one, as so many people have eloquently talked about today. We are here as part of this legislation to press for accountability in his death. However, this is really more than simply a question of one man's tragic case.

The State Department's human rights report annually describes countless human rights violations, including attacks on journalists, physical abuse of citizens, politically motivated imprisonments, and government harassment and violence. There are numerous cases like Magnitsky and, unfortunately, there are likely to be many more.

That is why this bill before us is so important. It seeks to ensure that no human rights abusers in Russia are granted the privilege of traveling to this country or using our financial system. A strong, successful, and transparent Russia that protects the rights of its citizens is squarely in the interest of the United States. The Magnitsky Act will demonstrate that we stand unambiguously for the rule of law, for democracy, and for respect for human rights in Russia.

As we look forward and think about our relationship with Russia, we have to be both pragmatic and principled. A successful policy with Russia will find a way to both protect our interests and defend our values. I think the legislation that is before us today is a perfect example of how we can do both, and I certainly hope my colleagues will strongly support its passage and send it directly to the President for his signature.

Thank you very much.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator SHAHEEN for her leadership on this issue. We have had many discussions about how to advance human rights and what is the best strategy to get the Magnitsky bill enacted into law. She has been a real champion with her leadership on the Senate Foreign Relations Committee on Europe and her leadership on the Helsinki Commission. I thank her for her good advice for allowing us to be able to get to this day.

I am convinced tomorrow the Senate will pass this legislation, the President is going to sign it, and we will achieve a great victory for human rights.

I thank the Senator for her observations as we were talking about how to move forward with this bill in connection with PNTR for Russia. I know Senator LIEBERMAN talked about it a little bit earlier. I am convinced, as important as this bill was, that the Magnitsky bill by itself would have been extremely difficult for us to get through to the President and for the President to sign into law and that in combining it with PNTR, we got it done. I also believe that PNTR without Magnitsky would not have gotten done. So I think the marriage of these two bills was the right choice. They allow us to move forward, as Senator LEVIN said, repealing a provision that is not relevant for Russia, while also allowing us to make a new standard for Russia that is relevant for our problems we are confronting not just in Russia but throughout the globe.

I wish to comment a little bit about Senator LEVIN's point. Senator LEVIN raised the issue of why couldn't we make this global. As Senator MCCAIN said, countries are on notice, particularly those countries that are known for their human rights violations. They now know what the standard is, and they know what action the United States will take if they don't meet that standard.

The standard is very clear. I will just read it into the RECORD one more time so every country knows and every individual knows we will be taking action against those who violate human rights. It says any individual who ''is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individual seeking . . . to obtain, exercise, defend, or promote internationally recognized human rights. . . . ''

That is the standard. That is what is in this bill. That is what we will be voting on tomorrow. That is what has been approved by the House of Representatives and I believe will be approved tomorrow by this body and will be signed into law by the President of the United States. We are establishing the standard that will be used to deny human rights violators the right to visit our country, to obtain a visa, and to use our banking system.

Senator LEVIN is absolutely correct. The bill that came out of the Senate Foreign Relations Committee and the Finance Committee made it crystal clear by statute that it applied globally. I strongly supported that. I support that now. I would love to see that in our bill, but we need to get this bill done. I would have preferred to see us take up the amendment, hopefully pass the amendment, and work it out with the House. However, it was the collective wisdom that in order to get this bill done, particularly with the administration's position on it—they did not support the global legislative solution at this point—that it was unlikely we would reach the finish line and get that done.

That doesn't diminish the global impact of this bill. I need to underscore that. It does not diminish the global impact of this bill. Senator MCCAIN is right. Countries and individuals are on notice. I can tell my colleagues that as a Member of this body, I will be monitoring, and if there are individual people who have committed these gross violations and who are seeking to come to America and use our banking system, I am going to take action. It may be filing additional legislation. I hope we get it done. I hope we will find an opportunity to get the Senate language into law, that the legislative standard specifically applies globally.

Let me point out we already have authority. The Secretary of State already has authority to deny human rights violators the right to come to America. Before I filed the Magnitsky bill, I sent a letter to the Secretary of State saying we know who the perpetrators of the crimes against Mr. Magnitsky are; deny them the right. They want to come to America. They are planning to come to America. Don't let them. We went back and forth a little bit as to what they were going to do.

What is interesting is that I filed this legislation with Senator MCCAIN and many others. Secretary Clinton took action. She said we will deny them the opportunity of coming to America; we have that authority. The Secretary of the Treasury has certain authorities to deny the rights of our banking system. So we have—our agencies have the inherent authority to block human rights violators from coming to America or using our banking system. Should we legislate to make that clear? Absolutely. Should we pass legislation that is global? Absolutely. I hope we will do that.

Today we have the opportunity to make a major advancement to establish the standard in statute that we expect will be honored internationally, globally, to provide the tools to act against Russia because this is a PNTR Russia bill. We will be able to do that. We also have the tools in place to be able to take further action.

So what I said earlier I think is absolutely true. This isn't an end of a chapter of U.S. leadership. I can tell my colleagues when Senator Jackson and Congressman Vanik suggested the use of trade as a leverage to block trade with countries if they didn't respect the basic human right of allowing their

people to leave, there were many people who said: Why are you doing that? Can't we just talk it out? That bill produced incredible results not only on the individuals who were able to leave the Soviet Union, but it spoke to America's leadership.

I honestly believe it helped establish the principles where the United States used trade to open and eliminate the apartheid government of South Africa. We were the leaders on that. We have been very strong on protecting human rights and saying: We will use every tool at our disposal to protect people's basic rights. We did that in South Africa and we did that in the Soviet Union and we are doing it again today. That is where America's leadership shines. That is where America's leadership will be followed by other countries. We are already seeing other European capitals pass similar legislation as the Magnitsky bill to make this clear. We are ending a chapter with Jackson-Vanik and we should be very proud of what America stood for, what we stand for today, and our leadership in the lives of real people and how it has helped keep people safer.

Now we are starting a new chapter and that new chapter is not just Russia. That new chapter is global. We are putting the international community on notice that we will not tolerate individuals who violate basic human rights, and we will use every tool at our disposal, including trade, including the right to come to America, including the right to use our banking system, including putting as much pressure as we possibly can on countries to take action against those who violate rights.

We respect the rights of individual countries. We want to work with those countries, but America will not give up its values and on promoting these values internationally. That is what this legislation is.

I understand the disappointment that we don't have everything in this bill we would like. I am certainly disappointed. I fought hard. I spoke to so many Members in both the House and the Senate about trying to make this bill even better. I am proud of how far we were able to get, and I can tell my colleagues this: The activists who are risking their lives today in countries around the world to protect the rights of citizens, to question the actions of their government, to dare to say we should have competitive elections, we should respect the religious freedoms of individuals, we should be able to speak out, these people are putting their lives at risk. They are looking at what the Senate is doing today, and they are looking at us and saying: Pass this bill. Pass this bill because it gives us hope. It lets our countries know America will stand for us, that America's leadership will be there to keep us safe.

I know we have had a spirited discussion this evening. We will have a chance tomorrow to vote on this bill. I do believe we will have the opportunity to show America's leadership will be continuing to advance human rights. This legislation will make a difference not just in the trade relationships between Russia and the United States—it will help that—but it will help advance international respect for human rights. I am proud to be part of that effort.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS DARREN LINDE

SPECIALIST TYLER ORGAARD

Mr. BAUCUS. Mr. President, I wish to say a few words that deserve our attention. On Monday, an attack on U.S. troops in Afghanistan claimed the lives of SFC Darren Linde and SPC Tyler Orgaard of the North Dakota National Guard.

Sergeant Linde was a graduate of Sidney High School in Montana. He earned many honors throughout his career, including the Bronze Star, Purple Heart, Army Commendation, and Army Good Conduct medals. He was a hero and a family man who put service to others above all.

May all of us honor the sacrifice and service of Sergeant Linde and Specialist Orgaad by looking for ways we can circle around our troops and their families. There are no words to express how thankful we are for the ongoing commitment and dedication they show every day.

Please join my wife Melodee and me in praying for the servicemembers and families devastated by this attack.

REMEMBERING WARREN B. RUDMAN

Mr. LEVIN. Mr. President, I want to join my colleagues in extending condolences to the family of Senator Warren Rudman, and add my voice to those saluting a distinguished, effective and principled member of this body.

It has been hard in the last few months, for those of us who knew and served with him, not to think of Warren Rudman. More than 2 decades ago, our circumstances were strikingly similar to the situation in which we find ourselves today. Rising Federal budget deficits were the cause of alarm. Almost everyone agreed that we needed to bring them down. The difficulty was how. Meeting the widely differing priorities among members of Congress—and the American people we represented—seemed impossible.

Senator Rudman, along with Senator Ernest Hollings and Senator Phil Gramm, crafted a solution. It is fair to say no one liked it very much. None of us here at the time, including me, voted for it with great enthusiasm. That was its genius. By establishing a mechanism for automatic, across-the-board spending cuts that would take place in the absence of a more tailored program of deficit reduction, they sought to force all of us to make the difficult choices required to reduce the deficit.

The arrangement Senators Rudman, Gramm and Hollings concocted was disagreeable to everybody, and so we looked for ways to avoid it. I voted for the 1985 agreement in part because I believed it would help force elected officials to get serious about the fact that revenue was an important part of the deficit-reduction formula. It was true then, it was true now, and Warren Rudman helped clarify that important fact. We borrowed from Warren Rudman's playbook with the sequestration provisions which are now the subject of so much debate and concern here. I dislike the blind, Draconian cuts of sequestration today as much as I disliked them in the 1980s. Now, as then, I am hopeful that members of good will can reach across the aisle to reach compromise solutions—solutions that we may dislike in part, in order to avoid even worse outcomes. If we do so, it will be because of the Sword of Damocles called sequestration that hangs over our heads. I know that is what Senator Rudman would hope for, and be working hard for, if he were still serving here.

We should reflect on Senator Rudman's career today for another reason. When he decided not to stand for reelection in 1992, he did so, in the words of the New York Times, because ''the Federal Government was not functioning' and that it was impossible to get anything done in a Senate rife with posturing and partisanship.''

Maybe the lesson is that the present always looks more partisan and polarized than the past. I hope all of us can reflect on Senator Rudman's efforts to achieve practical solutions to difficult problems, his willingness to compromise, and his integrity, and keep those qualities in mind as we struggle with the many and complex problems we face today.

Barbara and I were terribly saddened to learn of Warren Rudman's passing. Our thoughts are with his family and the many close friends who mourn him.

COMMEMORATING THE 84TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ

Mr. LUGAR. Mr. President, on behalf of myself as ranking member of the Senate Foreign Relations Committee and Senator JAMES INHOFE, the ranking member of the East Asia and Pacific Subcommittee, I rise today to commemorate the 85th birthday anniversary of His Majesty King Bhumibol Adulyadej who has reigned for 66 years as King of Thailand.

Over 50 years ago, the King, also known as Rama IX, a long-time and proven friend of the United States, addressed a Joint Session of Congress. He and the people of Thailand have partnered with the people of the United States in war and in peace. As noted in the recent Thailand-U.S. Joint Vision Statement preceding President Obama's recent trip to Thailand, ''. . . the Thai-U.S. defense alliance has promoted regional stability by fostering cooperation in areas that enables both nations to address shared security concerns effectively''.

The King has been internationally recognized for his consistent dedication to promote the well-being of the Thai people. Among the awards received is the U.N. Development Program First Human Development Lifetime Achievement Award. Over the last 60 years the King has initiated thousands of development projects throughout Thailand addressing a wide range of challenges including public health and education, agricultural development and reforestation.

Mr. President, in the Congress extensive time and effort are dedicated to the consideration of major challenges to the United States, domestically and overseas. Endless debate carries on to determine how to deal with leaders in those countries who do not share democratic values, and in fact are opposed to the United States actively engaging in global free trade and the promotion of our national security.

Consequently, it is a pleasure and an honor on behalf of Senator INHOFE and myself to highlight the life of His Majesty King Bhumibol Adulyadej, who has been steadfast in his friendship to the American people. He is the longest-reigning monarch in the history of Thailand and currently the world's longest-reigning monarch as well.

Mr. President I was pleased to recently visit Thailand and meet with government officials regarding Thailand's participation in the Nunn-Lugar Cooperative Threat Reduction, CTR, Program. Thailand is actively working to counter biological threats. Among other areas, the U.S. will also continue to work to help Thailand control infectious disease that could become the source of a pandemic or the target of terrorists seeking to create a biological weapon.

In conclusion, I am grateful for the overall relationship between our two countries, and look forward to developments in the future which will bring us closer together.

• Mr. WEBB. Mr. President, December 5 marks the 85th birthday of His Majesty King Bhumibol Adulyadej of Thailand. I would like to offer my sincerest congratulations to His Majesty and to the people of Thailand as they commemorate his 66-year reign of Thailand.

The United States and Thailand have had an extensive, close relationship for nearly 200 years, beginning with the Treaty of Amity and Cooperation in 1833. This treaty—the first U.S. treaty in Asia—cemented the friendship between the American and Thai people. King Bhumibol has nurtured this relationship in line with our shared values of democracy and rule law. He has been a vital supporter of a free and open society in Thailand and a stabilizing force in the government's transitions of political power. As the world's longest serving monarch, he has placed his commitment to the Thai people above all.

I have visited Thailand many times over a span of more than 30 years. As chairman of the East Asia and Pacific Affairs Subcommittee, I was fortunate to continue this close relationship, visiting Thailand numerous times to meet Thai leaders, and reaffirm my support for a strong alliance with the United States. I would like to thank King Bhumibol and the Thai government for the courtesies extended to me over the past 6 years of my service in the U.S. Senate. Going forward, I am confident that the U.S.-Thai alliance will continue to be a critical partnership in guaranteeing stability in the Asia-Pacific region.

Mr. President, I am so pleased to join the people of Thailand in celebrating the birthday of His Majesty King Bhumibol Adulyadej, and extend my best wishes to His Majesty for his good health.•

GREEN BUILDING STANDARDS

Mr. PRYOR. Mr. President, I would like to thank Senator WICKER for bringing attention to the need for the Department of Defense, and all Federal agencies, to include American-made wood products in green building standards and rating systems.

I would also like to express my continued support for Federal Government measures designed to spur the design and construction of high-performance green buildings.

However, I am concerned that discouraging certain wood building products and materials from use in Federal buildings because they do not comply with the LEED standard but are otherwise acceptable for U.S. building projects, may undermine the Federal Government's energy efficiency goals.

Wood products are among the most ''green'' of all building materials.

With the green building market estimated to reach as high as $140 billion by 2013, securing a strong place for wood is essential to the wood products industry's future growth.

Wood is an ideal green building material because it is renewable, stores carbon that reduces greenhouse gases, and is energy efficient.

There are several green building rating systems being used by Federal agencies and the private marketplace now, and the competition among these systems has resulted in improvements in all of the green building standards. Some of these rating systems recognize the benefits of American-made wood products in their scoring system.

It is important that the Department of Defense, General Services Administration and other Federal agencies ensure that multiple green building standards be considered for the design and construction of Federal buildings.

I believe the best approach is to permit the marketplace to decide which rating system is best suited for each project and Congress should encourage all of the rating systems to compete for government contracts.

REMEMBERING NORMA HOLMGREN

Mr. HATCH. Mr. President, I appreciate the opportunity today to pay tribute to a wonderful woman, devoted mother and grandmother, loyal friend, exceptional employee, and patriotic American Norma Holmgren. Norma was my Northern Utah Area Director for 26 years and was devoted to our state and nation.

Sadly, Norma passed away this past weekend, as a result of a tragic accident as she was taking her daily walk. Norma kept herself very active and physically fit and you could often find Norma walking the streets of her neighborhood enjoying her surroundings and neighbors.

Norma retired from public service almost 10 years ago, however her retirement did not stop her from participating in her community and continuing her interest in republican politics. In fact, my staff contacted her last week to seek her advice on a constituent's request. She was always available and happy to share her knowledge. She spent many years working for the ideas and philosophy of the Republican Party, and assumed numerous leadership positions to further the cause. Norma loved politics and even after leaving the government and political arena, she still loved a good political conversation and was keenly interested in what was happening in our state and nation.

Norma was a ferocious reader, and it was not unusual for Norma to visit her local Costco and buy up to 20 books at a time. She loved to learn and continue her education on so many issues, and would spend hours curled up with a good book.

She also loved antiques and was widely known for her collections that she beautifully displayed throughout her home. She would often invite friends to come and see her latest find or beautiful item and she was very proud of her life-long interest of antiques.

Norma accomplished many great things in her life, yet perhaps her greatest accomplishment was the loving care and nurture she always displayed to her son Randy and his wife, whom she dearly loved. She also adored being a grandmother, and took great pride in her family and the relationships they shared. I had the pleasure of hosting Norma's granddaughter Emily as a Senate page several years ago and I could see first-hand the great traits Norma had instilled in her granddaughter.

I am grateful I had the opportunity to work with Norma for many years, and consider her a true friend. She believed in public service and demonstrated her commitment to excellence on so many occasions. She was a fierce advocate for the military and spent years working as a liaison for me at Hill Air Force Base where she garnered the respect and admiration of the military leaders on the Base. Her influence in so many areas will never be forgotten.

Norma's life touched many and she will be forever remembered as someone who truly cared about her family, her friends, and in doing good for her community. Elaine and I would like to extend our deepest sympathies to Norma's family at the loss of their mother and grandmother; and pray that they will find some peace and comfort in the memories they have shared.

TRIBUTE TO MARREEN CASPER

Mr. HATCH. Mr. President, thank you for the opportunity today to pay tribute to a wonderful woman, dedicated public servant and loyal friend Marreen Casper. Marreen is retiring from my staff at the end of the year and she will be very missed.

Marreen joined my staff in 1999 and has been a shining star. She has tackled some of the most difficult assignments that have faced my Utah Senate Offices. She started as a Federal grants coordinator and caseworker. However, when a need arose to fill a very important position in my organization, she willingly sold her house, and packed up and moved to St. George, UT to become my Southern Utah Field Director.

Marreen has filled this position with dogged determination, and a noteworthy attention to details. She quickly immersed herself into the community and became a true Southern Utahn. She was always available to meet with and listen to the citizens of this area of our State. She has attended literally hundreds of local government meetings, and discussed the issues affecting Southern Utah with many mayors, county commission and council members, and community leaders every day she served. She has such a warm demeanor and accepting personality that people from all walks of life and positions felt comfortable to discuss with Marreen the issues important to them, and know that she would try to do something to help. She has made friends in every nook and cranny of southern Utah and earned the respect of many.

One aspect of her job that many do not realize, is the travel she undertook to fulfill her duties to the best of her ability. Marreen's field area includes one of the most remote and unpopulated areas in the continental United States. Traveling in her area can get very harrowing at times, but Marreen never let it stop her from doing her job. She has traveled the icy roads in the dead of winter, attended outdoor meetings in the searing heat, and even crashed on an ATV she was riding on for an event that sent her to the Emergency Room.

And some of the issues Marreen has worked on might seem trivial to some, but have long-ranging impacts on rural Utah. These issues have ranged from prairie dogs, desert tortoises, and Mexican wolves; to fighting with the Army Corps of Engineers over whether a dry wash is a ''navigable body of water.'' I am not sure that she will miss the tedious nature of some of these issues, but I am certain she will miss the people in the many communities she worked with to find solutions to the problems.

There has been no assignment ever given to Marreen that she did not fulfill willingly and with a great determination to see it through. In fact, Marreen has undertaken one of the most tedious, yet important projects every year the Hatch Family Christmas Card. This is a project I am certain she would like to have run from, yet year after year she planned, organized, and ensured that this card was sent to thousands of Utahns helping me stay in touch with so many constituents. For this seemingly thankless task, I want to sincerely convey my appreciation to her for her wonderful assistance that has meant so much to me and to the many who received it.

Although Marreen has accomplished many great things in her professional life perhaps her greatest accomplishments have come because of her wonderful partnership with her husband Ron, and her loving and tender care of her 5 children and 22 grandchildren. She dearly loves her family and expresses it often. She sincerely strives to be at every important function in the lives of her family and is often traveling great distances so she can be there for the noteworthy milestones.

She has also made her belief in the Church of Jesus Christ of Latter-day Saints central to her life and has served countless neighbors and friends through the goodness of her heart. In fact, when other folks might think their days of working with the youth in church service are over, Marreen accepted a call from her local Bishop to lead the Young Women's organization in her Ward. She then spent several years mentoring and helping these young women in various ways and through her beautiful example.

I am truly grateful for the tremendous service Marreen Casper has given to me, to her community, and to our great State. I will miss Marreen greatly but know that life holds many exciting and wonderful new opportunities for her to enjoy. I want to wish Marreen the very best in retirement and want her to know that I will be forever grateful for her good work and loyal friendship. May Heavenly Father bless Marreen and her family for the honorable person she is and the service she has rendered to so many.

TRIBUTE TO TOBY HYMAN

Mr. KERRY. Mr. President, Toby Hyman has become something of an institution in the Senate over the course of her 17 odd years of service in the Office of the Senate Chief Counsel for Employment. I understand that she has consistently and tirelessly devoted herself to ensuring fairness for both Senate employees and their offices, helping them sort through anything from day-to-day concerns that arise to courtroom arguments to union disputes, even in the midst of an anthrax attack on her own office.

Those who know her best say that she displays compassion for employers and employees alike, a deep understanding of employment law and conflict, and great skill resolving disputes and achieving fair outcomes for all involved parties. By all accounts, the Senate body is better today for her efforts, which is why her retirement is received with bittersweet, much deserved well-wishes for the future by her colleagues.

Before her time here, Toby spent 20 years as a fine attorney at the prestigious Proskauer Rose firm in New York City. Prior to that, she served as the first female law clerk for the Honorable District Court Judge John F. Dooling, Jr. And prior to that, she was a fine young citizen of the great State of Massachusetts.

Toby grew up in a family like so many in Boston. She is a proud product of Boston's public schools, including the Girls' Latin School in Roxbury, who excelled in her studies and earned admittance to the government program at Radcliffe College, from which she graduated magna cum laude. Toby then continued to impress her friends and peers at Harvard Law School, where she performed as an able editor of the Harvard Law Review and, once again, graduated with distinction.

To afford these years of schooling, Toby simultaneously pursued a degree in Jewish Education from Hebrew College in order to earn money teaching in Hebrew schools. She wanted to give back to her community, pass on an education that she so enjoyed to the coming generation, and work with children, all while making a little money to sustain her during college. And so she made it happen. Pleased parents affectionately labeled one of her classes the ''Hebrew Sesame Street.''

Service to others—standing up for fairness and justice—has been a common thread running through Toby's

life. From her days back home in her native Massachusetts, to her career in New York City, to her visit to the Soviet Union in the late 1970s where she greeted oppressed Soviet Jews with encouragement and a helping hand, Toby has treated people with compassion and respect and has stood up for their rights and dignity. Most recently, during her time as an advocate for us all here in the Senate family, she worked with our offices to ensure a good and fair relationship between employers and employees.

So it is no surprise that Toby intends for the next chapter of her life to involve volunteer work teaching young children. She will continue in the example she has set throughout her life and career as an educator, mediator, and advocate for fairness. I thank Toby for dedicating so many years of her life to service in the Senate and look forward to all that she has yet to accomplish—and wish her congratulations on a well deserved retirement.

ADDITIONAL STATEMENTS

REMEMBERING WILLIAM MEEHAN

• Mr. KERRY. Mr. President I come to the floor today to remember William Meehan, an ''icon'' of Somerset, in the words of former fire chief Steven Rivard. He was a loving, and beloved, husband to JoAnne, brother to Robert and John, father to John and Steve, and grandfather to Jake, Owen, and Liam. William is remembered by those who knew him best as an impassioned cheerleader and reliable presence on the sidelines of his grandchildren's sports games, as a thoughtful and compassionate voice on the Board of Selectmen, as an affable, warm family man armed with a lively Irish humor.

William was an anchor of his family and of his town. His care for his town shone through his work and was reflected in his daily life. The people of Somerset recall a dedicated public servant who embodied the most noble qualities of a community advocate while eschewing the divisive demagoguery that too often finds its way into politics. In his 15 years as one of three selectmen for his town, he proved time and again that he was more interested in understanding the concerns of others and finding a just solution to any problem than he was in political bickering. And his example inspired those around him, with his son Michael venturing into public service and actually serving in my office for many years with great distinction.

In his last year on the board of selectmen, William was a part of the opening of the Veterans Memorial Bridge, a decade's long project to connect Fall River with Somerset over the Taunton River. And he was intimately involved in the process that put into motion plans for the new Somerset Berkley Regional High School. His interest was always in community over conflict, in people rather than politics, and that is to what he devoted his life.

Friends remember William having lunch every day with peers or first responders or community leaders, and he would often be found chatting with neighbors and storekeepers around town or among the stands at local sporting events. He was a sportsman himself, with baseball second only to family and community. When he wasn't coaching Somerset Little League, as he did for many years, he could be found out on the golf course.

I understand that William would make time each day after lunch to venture to the park and watch the boats sailing the Taunton River. I imagine the gentle breeze off the water, the parade of ships coming and going with the sun high in the sky, and William sitting along the shore facing the water, breathing in the air and taking in the moment. We won't see him there any longer, but when we look out at the boats drifting by, we will think of William and remember the goodness he shared with the people of Somerset and beyond.

To JoAnne and William's family, I extend my deepest condolences. And to William, I wish him eternal rest watching over his family and all those he cared about so deeply. And I wish him the same peace he found along the river's edge.•

RECOGNIZING HOLY ROSARY CHURCH

• Ms. MIKULSKI. Mr. President, I rise to honor the Holy Rosary Church of Baltimore as it marks its 125th anniversary.

Holy Rosary Church was consecrated on December 8, 1887. From the beginning, the church provided a spiritual home for new Americans who emigrated from Poland. My own family were parishioners from the beginning. The church was the center of the community. It was the school. It is where new Americans came to practice their faith in their new home. While facing all the challenges of life in a new country, Holy Rosary provided a place of comfort and spiritual guidance. The Church provided a place to practice the beloved traditions of their Catholic faith. It became one of the largest Polish parishes in Baltimore. Its priests were beloved in the community. The church also had a parochial school staffed by the beloved Felician nuns. They not only taught the three R's—religion, reading, writing—they helped young people get on the path of citizenship. They were a bridge between the old world and the new.

My great grandmother was one of those immigrants who worshiped at Holy Rosary. Like so many, she came with little money in her pocketbook, but big dreams in her heart for a new and better life. And that life was nurtured by the Polish American community at Holy Rosary parish. In the 1920s and 1930s, Holy Rosary parish was the largest of six Polish parishes in Baltimore and the largest in the Archdiocese. Over time, my family continued to attend Holy Rosary Church. My parents were married there.

Holy Rosary Church played a part in Baltimore's history. It is where we prayed through two World Wars and the Great Depression. It is where we prayed that the Iron Curtain would be lifted and Poland would be liberated. It is where we organized to help the Solidarity movement. It is where we welcomed Pope John Paul II to Holy Rosary when he was the Bishop of Krakow. That was the first time I met the Holy Father.

Holy Rosary was also where a stunning miracle occurred. It was where the Vatican recognized the healing of Fr. Ronald Pytel as a miracle through the intercession of Blessed Faustina Kowalska, one of the miracles that led to her canonization in 2000.

Today I honor the past, celebrate the present and have high hopes for the future of Holy Rosary parish. The members continue to live their faith of charity and hope. One hundred and twenty-five years ago the people of Holy Rosary came together to forge a parish community anchored on the beliefs of Roman Catholicism and the values of hard work, neighbor-helping-neighbor and patriotism.•

TRIBUTE TO TOM CASEY

• Mrs. MURRAY. Mr. President, I rise today to acknowledge the 30 years of service of Grays Harbor Public Utility District Commissioner Tom Casey and to congratulate him on his retirement. Commissioner Casey is the longest-serving Grays Harbor PUD Commissioner and is concluding his fifth term in office.

Commissioner Casey was elected to the Grays Harbor PUD Board of Commissioners in 1982. Prior to serving in public office, he was actively involved in energy and public utility issues from his home in Satsop, WA. Commissioner Casey also worked as a Policy Analyst in the Washington State House of Representatives.

Commissioner Casey's commitment to public power was not limited to only the Grays Harbor Public Utility District. Commissioner Casey served on the Board of Directors of Energy Northwest for 12 years, 8 of which were on the executive board. Commissioner Casey also served on the Executive Council of the Public Power Council for 16 years.

Commissioner Casey was also a key leader in the effort to create a Public Development Authority to transform the non-operational nuclear plant site in Grays Harbor County into an industrial park for economic development in a part of the state with high unemployment.

Commissioner Casey has been a fierce advocate for public power for decades. That spirit of advocacy for public power has been a keystone for

Commissioner Casey for as long as I have known him. As he retires from public service, I join with others throughout the Northwest in thanking Commissioner Casey for his years of service and his steadfast belief in the unique value of public power.●

TRIBUTE TO WILMA JINKS

●Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor Wilma Jinks, of Piggott, AR, who is celebrating her 100th birthday.

Wilma grew up on a farm north of Piggott, AR. Her rural location required her to walk 2 miles for school daily, an incomprehensible feat in the modern age of transportation, but to Wilma, it was something you just had to do. As you will see, this approach to life would serve Wilma well in later years. Following her graduation from Piggott High School in 1930, Wilma went on to serve as deputy county clerk. In this capacity, Wilma and her colleague, Ruth Ballard, would make town history when they issued 101 marriage licenses in one day, leaving some to joke that Piggott should change its name to ''Marrying Town''. It was not long after that Wilma would join those 101 newlyweds. In 1935, she would meet her future husband, Harold, while working as a secretary in his brother's office. They would remain devoted to each other until his death in 1995.

In 1962, President Kennedy appointed Harold as director of the Postmasters and Rural Appointments Division of the United States Post Office, and in April of the same year, Harold and Wilma moved to Washington, D.C. While in the District, the Jinks enjoyed the same social circles as the Nation's leaders, and routinely attended the same events as President Kennedy and President Johnson. Yet, Wilma and Harold still missed Arkansas. After four years of rubbing elbows on the national stage, they moved back to Piggott in April of 1966 and partnered with former Arkansas Governor Orvil Faubus in purchasing Piggott's newspaper, The Piggott Banner in 1967.

Even after Harold's retirement, there was no slowing down ''Team Jinks''. Wilma and Harold's can do attitude was infectious throughout the State, earning the friendship of every major officeholder in Arkansas, as well as two of our Nation's great leaders, President Carter and President Clinton. Senator Dale Bumpers said of Harold ''if the term yellow-dog' were in the dictionary, Harold Jinks would be listed as the definition.'' Harold went on to form several grassroots organizations in Arkansas and served as chairman of the Arkansas Joint Legislative Committee of the National Retired Teachers Association and AARP. Wilma was proudly by his side for every step.

Mr. President, Wilma Jinks truly is one of Arkansas's gems and we are blessed to have her. I ask my colleagues to join me today in congratulating Wilma Jinks as she and her family celebrates her 100th birthday.●

RECOGNIZING THE BANKERY

● Ms. SNOWE. Mr. President, our Nation's entrepreneurs understand the rigors and fears of starting a new business from scratch. The creativity, adaptability, and courage it takes to open a business are immense. However, because of that risk and uncertainty, the rewards seem all the greater. The drive and determination required of a new business can be seen prevalently in the entrepreneurs of my home State of Maine. Many of today's businesses create a meeting ground where classic and traditional meets the new and innovative; refurbishing nostalgia and revamping tradition. I rise to recognize a business steeped in history which embraces the challenges of today with youthful vigor.

The Bankery located in downtown Skowhegan, ME seamlessly blends antique charm and history with an innovative repurposing of space. Opened in 2008 by owners Michael Hunt, graduate from the University of Maine, and Matthew DuBois, alumnus of the Connecticut Culinary Institute, The Bankery is more than a classic bakery. The sweets and confections of this bakery are kept under lock and key, literally. The Bankery is housed in a renovated bank that was built in 1864. The owners preserved the history of the architecture by carefully restoring the original vaults and displaying many nostalgic mementos from the building's original purpose.

After expanding from a simple menu of classic baked goods to include meal items such as soups, sandwiches, and meat pies, The Bankery continues on an upward and outward trajectory. In 2010, Michael and Matthew acquired their next door neighbor, Skowhegan Fleuriste, a florist and formal wear shop. Now they offer a one-stop-shop for many events. It is their ambition and continued desire to pursue the next challenge and grow in new ways that gives them a competitive edge and is so characteristic of Maine's small business owners.

With an eye to the future and a nod to the past, The Bankery has met the challenges of growing a new business with excellence. I know that, through their hard work and delicious products, this Skowhegan staple will continue to flourish. I offer Matthew and Michael and everyone at The Bankery congratulations on their success and best wishes for a sweet future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 316. An act for the relief of Ester Karinge.

H.R. 357. An act for the relief of Corina de Chalup Turcinovic.

H.R. 794. An act for the relief of Allan Bolor Kelley.

H.R. 823. An act for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas.

H.R. 824. An act for the relief of Daniel Wachira.

H.R. 1857. An act for the relief of Bartosz Kumor.

H.R. 6582. An act to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

At 12:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6634. An act to change the effective date for the Internet publication of certain financial disclosure forms.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 316. An act for the relief of Esther Karinge; to the Committee on the Judiciary.

H.R. 357. An act for the relief of Corina de Chalup Turcinovic; to the Committee on the Judiciary.

H.R. 794. An act for the relief of Allan Bolor Kelley; to the Committee on the Judiciary.

H.R. 823. An act for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas; to the Committee on the Judiciary.

H.R. 824. An act for the relief of Daniel Wachira; to the Committee on the Judiciary.

H.R. 1857. An act for the relief of Bartosz Kumor; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8427. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Alkyl(C8-C18) dimethylamidopropylamines; Exemption from the Requirement of a Tolerance'' (FRL No. 9369–2) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8428. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Halosulfuron-methyl; Pesticide Tolerances'' (FRL No. 9370–6) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8429. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the report of several violations of the Antideficiency Act in a National Oceanic and Atmospheric Administration account; to the Committee on Appropriations.

EC–8430. A communication from the Deputy Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, the Annual Report of the Consumer Financial Protection Bureau on College Credit Cards; to the Committee on Banking, Housing, and Urban Affairs.

EC–8431. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; The 2002 Base Year Emissions Inventory for the Washington DC–MD-VA Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard'' (FRL No. 9755–5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC–8432. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Control of NOx Emissions from Glass Melting Furnaces'' (FRL No. 9755–4) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Environment and Public Works.

EC–8433. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, for Imperial County, Placer County and Ventura County Air Pollution Control Districts'' (FRL No. 9710–3) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Environment and Public Works.

EC–8434. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–153, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–8435. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012–0170 - 2012–0183); to the Committee on Foreign Relations.

EC–8436. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–130); to the Committee on Foreign Relations.

EC–8437. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–162); to the Committee on Foreign Relations.

EC–8438. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Irradiation in the Production, Processing and Handling of Food'' (Docket No. FDA–1999–F–1267) received in the Office of the President of the Senate on December 3, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–8439. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Irradiation in the Production, Processing and Handling of Food'' (Docket No. FDA–1999–F–4617) received in the Office of the President of the Senate on December 3, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–8440. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General, the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from April 1, 2012 through September 30 , 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8441. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the Administrator's Semiannual Management Report to Congress; to the Committee on Homeland Security and Governmental Affairs.

EC–8442. A communication from the Deputy Secretary of the Interior , transmitting, pursuant to law, the Department of the Interior's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8443. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8444. A communication from the Chief Financial Officer, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the requirements of the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.

EC–8445. A communication from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC–8446. A communication from the Deputy Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8447. A communication from the Chairman and Members of the Federal Labor Relations Authority, transmitting, pursuant to law, the Office of Inspector General Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 183, A bill to clarify the applicability of certain maritime laws with respect to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon (Rept. No. 112–245).

Report to accompany S. 1759, A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition (Rept. No. 112–246).

Report to accompany S. 2279, A bill to amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site, and for other purposes (Rept. No. 112–247).

Report to accompany S. 3410, A bill to extend the Undertaking Spam, Spyware, and Fraud Enforcement With Enforcers Beyond Borders Act of 2006, and for other purposes (Rept. No. 112–248).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 3657. A bill to amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote; to the Committee on Rules and Administration.

By Mr. BURR:

S. 3658. A bill to designate the Federal building and United States courthouse located at 300 Fayetteville Street in Raleigh, North Carolina, as the ''Jesse Helms Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself and Mr. WYDEN):

S. 3659. A bill to repeal certain changes to contracts with Medicare Quality Improvement Organizations, and for other purposes; to the Committee on Finance.

By Mr. CASEY:

S. 3660. A bill to extend the payroll tax holiday and to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employees; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mrs. HUTCHISON):

S. 3661. A bill to reaffirm and amend the National Aeronautics and Space Administration Authorization Act of 2010, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Massachusetts (for himself, Mr. KERRY, and Mr. MORAN):

S. 3662. A bill to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the ''Lieutenant Ryan Patrick Jones Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MORAN (for himself, Mr. CARDIN, Mr. LUGAR, Ms. MIKULSKI, Mr. RUBIO, Mr. MENENDEZ, Mr. DURBIN, Mr. BLUNT, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. HELLER, Mr. KOHL, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. KIRK, Mr. WYDEN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. BOOZMAN, Mr. BLUMENTHAL, Mr. CASEY, Mr. WARNER, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. BROWN of Ohio, Mr. CORNYN, Mr. COBURN, Mr. LAUTENBERG, Mr. PORTMAN, Mr. COONS, Mr. TOOMEY, and Mr. REED):

S. Res. 609. A resolution calling for the immediate and unconditional release of United States citizen Alan Phillip Gross from detention in Cuba and urging the Government of Cuba to address his medical issues; considered and agreed to.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. Res. 610. A resolution commemorating the 60th anniversary of the Graduate Research Fellowship Program of the National Science Foundation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 543

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1897

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1897, a bill to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes.

S. 2178

At the request of Mr. CARPER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2178, a bill to require the Federal Government to expedite the sale of underutilized Federal real property.

S. 2318

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2318, a bill to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

S. 3472

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3472, a bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

S. 3575

At the request of Mr. BENNET, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3575, a bill to amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals.

S. 3616

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 3616, a bill to amend the Internal Revenue Code of 1986 to make permanent the expansion of tax benefits for adoption enacted in 2001 and to permanently reinstate the expansion of tax benefits for adoption enacted in 2010, and for other purposes.

S. RES. 595

At the request of Ms. LANDRIEU, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Nebraska (Mr. NELSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 595, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 609—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF UNITED STATES CITIZEN ALAN PHILLIP GROSS FROM DETENTION IN CUBA AND URGING THE GOVERNMENT OF CUBA TO ADDRESS HIS MEDICAL ISSUES

Mr. MORAN (for himself, Mr. CARDIN, Mr. LUGAR, Ms. MIKULSKI, Mr. RUBIO, Mr. MENENDEZ, Mr. DURBIN, Mr. BLUNT, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. HELLER, Mr. KOHL, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. KIRK, Mr. WYDEN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. BOOZMAN, Mr. BLUMENTHAL, Mr. CASEY, Mr. WARNER, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. BROWN of Ohio, Mr. CORNYN, Mr. COBURN, Mr. LAUTENBERG, Mr. PORTMAN, Mr. COONS, Mr. TOOMEY, and Mr. REED of Rhode Island) submitted the following resolution; which was considered and agreed to:

S. RES. 609

Whereas, Alan Phillip Gross, a citizen of the United States, was born in New York on May 2, 1949, and is a resident of the State of Maryland;

Whereas Mr. Gross has devoted his professional life to helping others through his work in international development and has served in more than 50 countries and territories worldwide;

Whereas, in 2001, Mr. Gross founded JBDC, LLC to support Internet connectivity in locations with little or no access;

Whereas, on February 10, 2009, JBDC, LLC received a subcontract with the United States Agency for International Development (USAID);

Whereas, working as a subcontractor for the United States Agency for International Development, Mr. Gross sought to establish wireless networks and improve Internet and Intranet access and connectivity for a small, peaceful, non-dissident, Cuban Jewish community;

Whereas Mr. Gross made 5 trips to Cuba in furtherance of the United States Agency for International Development project he was subcontracted to support;

Whereas the last time Mr. Gross was in the United States was on November 24, 2009;

Whereas Mr. Gross was arrested on December 3, 2009, in Havana, Cuba;

Whereas Mr. Gross was detained without charge for 14 months;

Whereas Mr. Gross was charged in February 2011 with ''actions against the independence or the territorial integrity of the state'';

Whereas Mr. Gross's trial lasted only 2 days, after which he was sentenced to 15 years in prison;

Whereas Mr. Gross and his wife Judy have 2 daughters, one of which was diagnosed with breast cancer in 2010;

Whereas Mr. Gross's 90-year old mother was diagnosed with inoperable cancer in February 2011;

Whereas, in 2011, Mr. Gross's wife Judy underwent surgery, causing her to miss considerable time from work and putting further financial strain on their family;

Whereas Mr. Gross is 63 years old and has lost more than 105 pounds since being detained in Cuba;

Whereas Mr. Gross has developed degenerative arthritis in his leg and a mass behind his shoulder;

Whereas the Government of Cuba has denied requests by Mr. Gross for an independent medical examination;

Whereas Mr. Gross's legal representative filed an appeal to the Working Group on Arbitrary Detention of the United Nations in August 2012; and

Whereas, since Mr. Gross was detained by the Government of Cuba on December 3, 2009, his health has severely deteriorated and his family members have suffered health and financial problems: Now, therefore, be it

Resolved, That the Senate—

(1) calls for the immediate and unconditional release of United States citizen Alan Phillip Gross; and

(2) urges the Government of Cuba in the meantime to provide all appropriate diagnostic and medical treatment to address the full range of medical issues facing Mr. Gross and to allow him to choose a doctor to provide him with an independent medical assessment.

SENATE RESOLUTION 610—COMMEMORATING THE 60TH ANNIVERSARY OF THE GRADUATE RESEARCH FELLOWSHIP PROGRAM OF THE NATIONAL SCIENCE FOUNDATION

Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 610

Whereas the United States is a world leader in science, technology, engineering, and

mathematics (STEM) fundamental research and related education;

Whereas an excellent STEM higher-education system is critical to the development of a robust and inclusive U.S. STEM workforce and to U.S. global science and engineering preeminence;

Whereas Congress and President Harry S. Truman created the National Science Foundation (NSF), an independent Federal agency, 62 years ago specifically to advance scientific discovery and innovation through the Nation's basic research and STEM education infrastructure;

Whereas fundamental research supported by NSF across all scientific disciplines have resulted in many significant contributions to Americans' health and security, as well as to technological innovation and U.S. economic prosperity;

Whereas advances in knowledge are made possible by researchers who focus on the fundamental properties of nature, and who mentor and educate the next generation of scientists and engineers;

Whereas 60 years ago, NSF purposefully created the Graduate Research Fellowship Program (GRFP) as an instrument to prepare the Nation's reservoir of science and engineering talent;

Whereas the GRFP, the country's oldest graduate fellowship program, supports outstanding graduate students pursuing masters and doctoral degrees in research at accredited U.S. institutions;

Whereas the GRFP has contributed to the development of outstanding U.S. scholars, entrepreneurs, teachers, mentors, and inventors who continue to support and promote the Nation's science and engineering enterprise and the next generation of scientists and engineers;

Whereas this flagship program helps maintain high-quality and highly skilled graduates who enter the Nation's STEM workforce prepared to innovate and collaborate in the global scientific arena;

Whereas NSF has funded more than 46,500 competitive graduate research fellows with selection criteria based on the intellectual merit of their research and its potential broader impacts for society;

Whereas of the more than 200 NSF-supported Nobel laureates, 40 were selected as graduate research fellows, and more than 440 graduate research fellows have become members of the National Academy of Sciences;

Whereas graduate research fellows have an exceptionally high rate of doctorate completion;

Whereas since 2001, graduate research fellows have filed more than 1,000 patents while working toward their graduate degrees, thus contributing directly to scientific advancement and discovery;

Whereas since 2007, 1145 graduate research fellows were selected from Experimental Program to Stimulate Competitive Research jurisdictions; and

Whereas NSF's GRFP continues to be an essential component of the Nation's discovery and innovation ecosystem, and is instrumental in STEM workforce development: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 60th anniversary of the Graduate Research Fellowship Program of the National Science Foundation; and

(2) continues to recognize U.S. STEM graduate education as central to U.S. workforce competitiveness and our country's international leadership and economic prosperity.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3310. Mr. CARDIN (for Mr. KERRY (for himself, Mr. LUGAR, Ms. LANDRIEU, Mr. INHOFE, and Mr. DEMINT)) proposed an amendment to the bill S. 3331, to provide for universal intercountry adoption accreditation standards, and for other purposes.

TEXT OF AMENDMENTS

SA 3310. Mr. CARDIN (for Mr. KERRY (for himself, Mr. LUGAR, Ms. LANDRIEU, Mr. INHOFE, and Mr. DEMINT)) proposed an amendment to the bill S. 3331, to provide for universal intercountry adoption accreditation standards, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intercountry Adoption Universal Accreditation Act of 2012''.

SEC. 2. UNIVERSAL ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—The provisions of title II and section 404 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and related implementing regulations, shall apply to any person offering or providing adoption services in connection with a child described in section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)), to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption. The Secretary of State, the Secretary of Homeland Security, the Attorney General (with respect to section 404(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14944)), and the accrediting entities shall have the duties, responsibilities, and authorities under title II and title IV of the Intercountry Adoption Act of 2000 and related implementing regulations with respect to a person offering or providing such adoption services, irrespective of whether such services are offered or provided in connection with a Convention adoption.

(b) EFFECTIVE DATE.—The provisions of this section shall take effect 18 months after the date of the enactment of this Act.

(c) TRANSITION RULE.—This Act shall not apply to a person offering or providing adoption services as described in subsection (a) in the case of a prospective adoption in which—

(1) an application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for a child is filed before the date that is 180 days after the date of the enactment of this Act; or

(2) the prospective adoptive parents of a child have initiated the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied before the date that is 180 days after the date of the enactment of this Act.

SEC. 3. AVAILABILITY OF COLLECTED FEES FOR ACCREDITING ENTITIES.

(a) Section 403 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14943) is amended by striking subsection (c).

(b) REPORT REQUIREMENT.—Section 202(b) of the Intercountry Adoption act of 2000 (42 U.S.C. 14922(b)) is amended by adding at the end the following:

''(5) REPORT ON USE OF FEDERAL FUNDING.—Not later than 90 days after an accrediting entity receives Federal funding authorized by section 403, the entity shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

''(A) the amount of such funding the entity received; and

''(B) how such funding was, or will be, used by the entity.''.

SEC. 4. DEFINITIONS.

In this Act, the terms ''accrediting entity'', ''adoption service'', ''Convention adoption'', and ''person'' have the meanings given those terms in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 5, 2012.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 5, 2012, at 9 a.m., to hold a African Affairs subcommittee hearing entitled, ''Assessing Developments in Mali: Restoring Democracy and Reclaiming the North.''

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

PRIVILEGES OF THE FLOOR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the following members of Senator BAUCUS's staff be granted floor privileges during the consideration of H.R. 6156: Lisa Pearlman, Rebecca Nolan, Heather Sykes, Owen Haacke, and Dan West.

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

Mr. REED. Mr. President, I ask unanimous consent that a detailee to the Committee on Banking, Housing, Urban Affairs, Catherine Topping, be granted the privileges of the floor for the remainder of this session.

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

Mr. WICKER. Mr. President, on behalf of the Senator from Maryland, Mr. CARDIN, I ask unanimous consent that floor privileges be granted to Kyle Parker, a staff member on the Commission on Security and Cooperation in Europe—also known as the Helsinki Commission, which Senator CARDIN cochairs—during Senate consideration of H.R. 6156.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Steven Garrett, Christopher Hanna, Shawn Novak, Lauren Felice, and Richard Chovanec of the Finance Committee be granted the privilege of the floor for the duration of Senate consideration of H.R. 6156 and for the remainder of this session of Congress.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that an intern from

Senator MERKLEY's office, Phillip Hah, be granted privileges of the floor for the remainder of the day.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

On Tuesday, November 4, 2012, the Senate passed S. 3254, as follows:

S. 3254

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 ''National Defense Authorization Act for Fiscal Year 2013''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into seven divisions as follows:

(1) Division A–Department of Defense Authorizations.

(2) Division B–Military Construction Authorizations.

(3) Division C–Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D–Funding Tables.

(5) Division E–Housing Assistance for Veterans.

(6) Division F–Stolen Valor Act.

(7) Division G–Miscellaneous.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Scoring of budgetary effects.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army CH–47F helicopters.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.
Sec. 122. Ford class aircraft carriers.
Sec. 123. Limitation on availability of amounts for second Ford class aircraft carrier.
Sec. 124. Multiyear procurement authority for Virginia class submarine program.
Sec. 125. Multiyear procurement authority for Arleigh Burke class destroyers and associated systems.
Sec. 126. Authority for relocation of certain AEGIS weapon system assets between and within the DDG–51 class destroyer and AEGIS Ashore programs in order to meet mission requirements.
Sec. 127. Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program.
Sec. 128. Transfer of certain fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds.
Sec. 129. Transfer of certain fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles.
Sec. 130. Sense of Congress on Marine Corps amphibious lift and presence requirements.
Sec. 131. Sense of Senate on Department of Navy fiscal year 2014 budget request for tactical aviation aircraft.
Sec. 132. SPIDERNet/Spectral Warrior Hardware.

Subtitle D—Air Force Programs

Sec. 141. Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory.
Sec. 142. Treatment of certain programs for the F–22A Raptor aircraft as major defense acquisition programs.
Sec. 143. Avionics systems for C–130 aircraft.
Sec. 144. Procurement of space-based infrared system satellites.
Sec. 145. Transfer of certain fiscal year 2011 and 2012 funds for Aircraft Procurement for the Air Force.

Subtitle E—Joint and Multiservice Matters

Sec. 151. Multiyear procurement authority for V–22 joint aircraft program.
Sec. 152. Limitation on availability of funds for full-rate production of Handheld, Manpack, and Small Form/Fit radios under the Joint Tactical Radio System program.
Sec. 153. Shallow Water Combat Submersible program.
Sec. 154. AC–130 aircraft electro-optical and infrared sensors.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Next Generation Foundry for the Defense Microelectronics Activity.
Sec. 212. Advanced rotorcraft initiative.
Sec. 213. Transfer of certain fiscal year 2012 Navy research, development, test, and evaluation funds.
Sec. 214. Authority for Department of Defense laboratories to enter into education partnerships with educational institutions in United States territories and possessions.
Sec. 215. Transfer of certain fiscal year 2012 Air Force research, development, test, and evaluation funds.
Sec. 216. Relocation of C–band radar from Antigua to H.E. Holt Station in Western Australia to enhance space situational awareness capabilities.
Sec. 217. Detailed Digital Radio Frequency Modulation Countermeasures Studies and Simulations.

Subtitle C—Missile Defense Matters

Sec. 231. Homeland ballistic missile defense.
Sec. 232. Regional ballistic missile defense.
Sec. 233. Missile defense cooperation with Russia.
Sec. 234. Next generation Exo-atmospheric Kill Vehicle.
Sec. 235. Modernization of the Patriot air and missile defense system.
Sec. 236. Medium Extended Air Defense System.
Sec. 237. Availability of funds for Iron Dome short-range rocket defense program.
Sec. 238. Readiness and flexibility of intercontinental ballistic missile force.
Sec. 239. Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense.

Subtitle D—Reports

Sec. 251. Mission Packages for the Littoral Combat Ship.
Sec. 252. Comptroller General of the United States annual reports on the acquisition program for the Amphibious Combat Vehicle.
Sec. 253. Conditional requirement for report on amphibious assault vehicles for the Marine Corps.

Subtitle E—Other Matters

Sec. 271. Transfer of administration of Ocean Research and Resources Advisory Panel from Department of the Navy to National Oceanic and Atmospheric Administration.
Sec. 272. Sense of Senate on increasing the cost-effectiveness of training exercises for members of the Armed Forces.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environmental Provisions

Sec. 311. Department of Defense guidance on environmental exposures at military installations.
Sec. 312. Funding of agreements under the Sikes Act.
Sec. 313. Report on property disposals and additional authorities to assist local communities around closed military installations.

Subtitle C—Logistics and Sustainment

Sec. 321. Repeal of certain provisions relating to depot-level maintenance.
Sec. 322. Expansion and reauthorization of multi-trades demonstration project.
Sec. 323. Rating chains for system program managers.

Subtitle D—Reports

Sec. 331. Annual report on Department of Defense long-term corrosion strategy.
Sec. 332. Modified deadline for Comptroller General review of annual report on prepositioned materiel and equipment.

Subtitle E—Other Matters

Sec. 341. Savings to be achieved in civilian workforce and contractor employee workforce of the Department of Defense.
Sec. 342. NATO Special Operations Headquarters.
Sec. 343. Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training.
Sec. 344. Sense of the Congress on Navy Fleet requirements.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Additional Marine Corps personnel for the Marine Corps Security Guard Program.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2013 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Policy

Sec. 501. Extension of relaxation of limitation on selective early discharges.

Sec. 502. Exception to 30-year retirement for regular Navy warrant officers in the grade of chief warrant officer, W–5.

Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.

Sec. 504. Sense of Senate on inclusion of assignments as academic instructor at the military service academies as joint duty assignments.

Subtitle B—Reserve Component Management

Sec. 511. Authority for appointment of persons who are lawful permanent residents as officers of the National Guard.

Sec. 512. Reserve component suicide prevention and resilience program.

Sec. 513. Report on mechanisms to ease the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty.

Subtitle C—General Service Authorities

Sec. 521. Diversity in the Armed Forces and related reporting requirements.

Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.

Sec. 523. Authority for additional behavioral health professionals to conduct pre-separation medical examinations for post-traumatic stress disorder.

Sec. 524. Quarterly reports on involuntary separation of members of the Armed Forces.

Sec. 525. Review of eligibility of victims of domestic terrorism for award of the Purple Heart and the Defense Medal of Freedom.

Sec. 526. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.

Sec. 527. Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.

Sec. 528. Research study on resilience in members of the Army.

Subtitle D—Military Justice and Legal Matters Generally

Sec. 531. Clarification and enhancement of the role of the Staff Judge Advocate to the Commandant of the Marine Corps.

Sec. 532. Additional information in reports on annual surveys of the committee on the Uniform Code of Military Justice.

Subtitle E—Sexual Assault, Hazing, and Related Matters

Sec. 541. Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty.

Sec. 542. Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response.

Sec. 543. Hazing in the Armed Forces.

Sec. 544. Retention of certain forms in connection with Restricted Reports on sexual assault involving members of the Armed Forces.

Sec. 545. Prevention and response to sexual harassment in the Armed Forces.

Sec. 546. Enhancement of annual reports regarding sexual assaults involving members of the Armed Forces.

Subtitle F—Education and Training

Sec. 551. Inclusion of the School of Advanced Military Studies Senior Level Course as a senior level service school.

Sec. 552. Modification of eligibility for associate degree programs under the Community College of the Air Force.

Sec. 553. Support of Naval Academy athletic programs.

Sec. 554. Grade of commissioned officers in uniformed medical accession programs.

Sec. 555. Authority for service commitment for Reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve.

Sec. 556. Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program.

Sec. 557. Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps.

Sec. 558. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of the Junior ROTC.

Sec. 559. Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus.

Sec. 560. Comptroller General of the United States report on the Reserve Officers' Training Corps.

Sec. 561. Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces.

Sec. 562. Comptroller General of the United States reports on joint professional military education matters.

Sec. 563. Troops-to-Teachers program enhancements.

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

Sec. 571. Impact aid for children with severe disabilities.

Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 573. Amendments to the Impact Aid program.

Sec. 574. Military spouses.

Sec. 575. Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.

Sec. 576. Sense of Congress regarding support for Yellow Ribbon Day.

Sec. 577. Report on future of family support programs of the Department of Defense.

Subtitle H—Other Matters

Sec. 581. Family briefings concerning accountings for members of the Armed Forces and Department of Defense civilian employees listed as missing.

Sec. 582. Enhancement of authority to accept gifts and services.

Sec. 583. Clarification of authorized Fisher House residents at the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware.

Sec. 584. Report on accuracy of data in the Defense Enrollment Eligibility Reporting System.

Sec. 585. Posthumous honorary promotion of Sergeant Paschal Conley to second lieutenant in the Army.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Rates of basic allowance for housing for Army National Guard and Air National Guard members on full-time National Guard duty.

Sec. 602. Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error.

Sec. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

Sec. 616. Increase in amount of officer affiliation bonus for officers in the Selected Reserve.

Sec. 617. Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.

Sec. 632. Authority for comprehensive program for space-available travel on Department of Defense aircraft.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

Sec. 641. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and termination of payment of Survivor Benefit Plan annuity.

Sec. 642. Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members.

Sec. 643. Clarification of computation of combat-related special compensation for chapter 61 disability retirees.

Subtitle E—Military Lending Matters

Sec. 651. Enhancement of protections on consumer credit for members of the Armed Forces and their dependents.

Sec. 652. Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents.

Sec. 653. Relief in civil actions for violations of protections on consumer credit extended to members of the Armed Forces and their dependents.

Sec. 654. Modification of definition of dependent for purposes of limitations on terms of consumer credit extended to members of the Armed Forces and their dependents.

Sec. 655. Enforcement of protections on consumer credit for members of the Armed Forces and their dependents.

Subtitle F—Other Matters

Sec. 661. Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense.

Sec. 662. Report on issuance by Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

Sec. 701. Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated.

Sec. 702. Inclusion of certain over-the-counter drugs in TRICARE uniform formulary.

Sec. 703. Expansion of evaluation of the effectiveness of the TRICARE program.

Sec. 704. Report on the future availability of TRICARE Prime throughout the United States.

Sec. 705. Certain treatment of developmental disabilities, including autism, under the TRICARE program.

Sec. 706. Sense of Congress on health care for retired members of the uniformed services.

Subtitle B—Other Health Care Benefits

Sec. 711. Use of Department of Defense funds for abortions in cases of rape and incest.

Sec. 712. Availability of certain fertility preservation treatments for members of the Armed Forces on active duty.

Sec. 713. Modification of requirements on mental health assessments for members of the Armed forces deployed in connection with a contingency operation.

Subtitle C—Health Care Administration

Sec. 721. Clarification of applicability of certain authority and requirements to subcontractors employed to provide health care services to the Department of Defense.

Sec. 722. Research program to enhance Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Subtitle D—Reports and Other Matters

Sec. 731. Reports on performance data on Warriors in Transition programs.

Sec. 732. Report on Department of Defense support of members of the Armed Forces who experience traumatic injury as a result of vaccinations required by the Department.

Sec. 733. Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury among members of the Armed Forces.

Sec. 734. Report on implementation of recommendations of the Comptroller General of the United States on prevention of hearing loss among members of the Armed Forces.

Sec. 735. Sense of Senate on mental health counselors for members of the Armed Forces, veterans, and their families.

Sec. 736. Prescription drug take-back program for members of the Armed Forces and their dependents.

Subtitle E—Mental Health Care Matters

Sec. 751. Enhancement of oversight and management of Department of Defense suicide prevention and resilience programs.

Sec. 752. Comprehensive program on prevention of suicide among members of the Armed Forces.

Sec. 753. Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers.

Sec. 754. Assessment of adequacy of mental health care benefits under the TRICARE program.

Sec. 755. Sharing between Department of Defense and Department of Veterans Affairs of records and information retained under the medical tracking system for members of the Armed Forces deployed overseas.

Sec. 756. Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs.

Sec. 757. Research and medical practice on mental health conditions.

Sec. 758. Disposal of controlled substances.

Sec. 759. Transparency of mental health care services.

Sec. 760. Expansion of Vet Center program to include furnishing counseling to certain members of the Armed Forces and their family members.

Sec. 761. Authority for Secretary of Veterans Affairs to furnish mental health care through facilities other than Vet Centers to immediate family members of members of the Armed Forces deployed in connection with a contingency operation.

Sec. 762. Organization of the Readjustment Counseling Service in Department of Veterans Affairs.

Sec. 763. Recruiting mental health providers for furnishing of mental health services on behalf of the Department of Veterans Affairs without compensation from the Department.

Sec. 764. Peer support.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Limitation on use of cost-type contracts.

Sec. 802. Acquisition strategies for major subsystems and subassemblies on major defense acquisition programs.

Sec. 803. Management structure for developmental test and evaluation.

Sec. 804. Assessments of potential termination liability of contracts for the development or production of major defense acquisition programs.

Sec. 805. Technical change regarding programs experiencing critical cost growth due to change in quantity purchased.

Sec. 806. Repeal of requirement to review ongoing programs initiated before enactment of Milestone B certification and approval process.

Subtitle B—Acquisition Policy and Management

Sec. 821. One-year extension of temporary limitation on aggregate annual amount available for contract services.

Sec. 822. Prohibition of excessive pass-through contracts and charges in the acquisition of services.

Sec. 823. Availability of amounts in Defense Acquisition Workforce Development Fund for temporary members of workforce.

Sec. 824. Department of Defense policy on contractor profits.

Sec. 825. Modification of authorities on internal controls for procurements on behalf of the Department of Defense by certain nondefense agencies.

Sec. 826. Extension of pilot program on management of supply-chain risk.

Sec. 827. Sense of Senate on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative.

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

Sec. 841. Applicability of Truth in Negotiations Act to major systems and related subsystems, components, and support services.

Sec. 842. Maximum amount of allowable costs of compensation of contractor employees.

Sec. 843. Department of Defense access to and use of contractor internal audit reports.

Sec. 844. Enhancement of whistleblower protections for contractor employees.
Sec. 844A. Whistleblower protections for non-defense contractors.
Sec. 845. Extension of contractor conflict of interest limitations.
Sec. 846. Repeal of sunset for certain protests of task and delivery order contracts.
Sec. 847. Reports on use of indemnification agreements.
Sec. 848. Contracting with small business concerns owned and controlled by women.

Subtitle D—Provisions Relating to Wartime Contracting

Sec. 860. Short title.
Sec. 861. Responsibility within Department of Defense for contract support for overseas contingency operations.
Sec. 862. Annual reports on contract support for overseas contingency operations involving combat operations.
Sec. 863. Inclusion of contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure.
Sec. 864. Risk assessment and mitigation for contractor performance of critical functions in support of overseas contingency operations.
Sec. 865. Extension and modification of reports on contracting in Iraq and Afghanistan.
Sec. 866. Extension of temporary authority to acquire products and services in countries along a major route of supply to Afghanistan.
Sec. 867. Compliance with Berry amendment required for uniform components supplied to Afghanistan military or Afghanistan National Police.
Sec. 868. Sense of Senate on the contributions of Latvia and other North Atlantic Treaty Organization member nations to the success of the Northern Distribution Network.
Sec. 869. Responsibilities of inspectors general for overseas contingency operations.
Sec. 870. Agency reports and inspector general audits of certain information on overseas contingency operations.
Sec. 871. Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies.
Sec. 872. Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations.
Sec. 873. Professional education for Department of State personnel on acquisition for Department of State support and participation in overseas contingency operations.
Sec. 874. Database on price trends of items and services under Federal contracts.
Sec. 875. Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System.
Sec. 876. Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions.
Sec. 877. Public availability of database of senior Department of Defense officials seeking employment with defense contractors.

Subtitle E—Other Matters

Sec. 881. Requirements and limitations for suspension and debarment officials of the Department of Defense, the Department of State, and the United States Agency for International Development.
Sec. 881A. Additional bases for suspension or debarment.
Sec. 882. Uniform contract writing system requirements.
Sec. 883. Comptroller General of the United States review of use by the Department of Defense, the Department of State, and the United States Agency for International Development of urgent and compelling exception to competition.
Sec. 884. Authority to provide fee-for-service inspection and testing by Defense Contract Management Agency for certain critical equipment in the absence of a procurement contract.
Sec. 885. Disestablishment of Defense Materiel Readiness Board.
Sec. 886. Modification of period of wait following notice to Congress of intent to contract for leases of certain vessels and vehicles.
Sec. 887. Extension of other transaction authority.
Sec. 888. Subcontractor notifications.
Sec. 889. Report by the suspension and debarment officials of the military departments and the Defense Logistics Agency.
Sec. 889A. Study on army small arms and ammunition acquisition.
Sec. 889B. Annual report on defense contracting fraud.
Sec. 889C. Plan to increase number of contractors eligible for contracts under Air Force NETCENTS-2 contract.
Sec. 889D. Inclusion of information on common grounds for sustaining bid protests in annual Government Accountability Office reports to Congress.
Sec. 889E. Small business HUBZones.

Subtitle F—Ending Trafficking in Government Contracting

Sec. 891. Short title.
Sec. 892. Definitions.
Sec. 893. Contracting requirements.
Sec. 894. Compliance plan and certification requirement.
Sec. 895. Monitoring and investigation of trafficking in persons.
Sec. 896. Notification to inspectors general and cooperation with Government.
Sec. 897. Expansion of fraud in foreign labor contracting to include attempted fraud and work outside the United States.
Sec. 898. Improving Department of Defense accountability for reporting trafficking in persons claims and violations.
Sec. 899. Rules of construction.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Definition and report on terms ''preparation of the environment'' and ''operational preparation of the environment'' for joint doctrine purposes.
Sec. 902. Expansion of duties and responsibilities of the Nuclear Weapons Council.
Sec. 903. Failure of the Department of Defense to obtain audits with an unqualified opinion on its financial statements by fiscal year 2017.
Sec. 904. Information for Deputy Chief Management Officer of the Department of Defense from the military departments and Defense Agencies for defense business system investment reviews.

Subtitle B—Space Activities

Sec. 911. Operationally Responsive Space Program Office.
Sec. 912. Commercial space launch cooperation.
Sec. 913. Reports on integration of acquisition and capability delivery schedules for components for major satellite acquisition programs and funding for such programs.
Sec. 914. Department of Defense representation in dispute resolution regarding surrender of Department of Defense bands of electromagnetic frequencies.

Subtitle C—Intelligence-Related and Cyber Matters

Sec. 921. Authority to provide geospatial intelligence support to security alliances and international and regional organizations.
Sec. 922. Army Distributed Common Ground System.
Sec. 923. Rationalization of cyber networks and cyber personnel of the Department of Defense.
Sec. 924. Next-generation host-based cyber security system for the Department of Defense.
Sec. 925. Improvements of security, quality, and competition in computer software procured by the Department of Defense.
Sec. 926. Competition in connection with Department of Defense data link systems.
Sec. 927. Integration of critical signals intelligence capabilities.
Sec. 928. Collection and analysis of network flow data.
Sec. 929. Department of Defense use of National Security Agency cloud computing database and intelligence community cloud computing infrastructure and services.
Sec. 930. Electro-optical imagery.
Sec. 931. Software licenses of the Department of Defense.
Sec. 932. Defense Clandestine Service.
Sec. 933. Authority for short-term extension of lease for aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program.
Sec. 934. Sense of Senate on potential security risks to Department of Defense networks.
Sec. 935. Sense of Congress on the United States Cyber Command.
Sec. 936. Reports to Department of Defense on penetrations of networks and information systems of certain contractors.

Subtitle D—Other Matters
Sec. 941. National Language Service Corps.
Sec. 942. Report on education and training and promotion rates for pilots of remotely piloted aircraft.
TITLE X—GENERAL PROVISIONS
Subtitle A—Financial Matters
Sec. 1001. General transfer authority.
Sec. 1002. Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization.
Sec. 1003. Audit readiness of Department of Defense statements of budgetary resources.
Sec. 1004. Report on effects of budget sequestration on the Department of Defense.
Sec. 1005. Report on balances carried forward by the Department of Defense at the end of fiscal year 2012.
Sec. 1006. Transfer of certain fiscal year 2012 and 2013 funds.
Subtitle B—Counter-Drug Activities
Sec. 1011. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1012. Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments.
Sec. 1013. Authority to support the unified counterdrug and counterterrorism campaign in Colombia.
Sec. 1014. Quarterly reports on use of funds in the Drug Interdiction and Counter-Drug Activities, Defense-wide account.
Subtitle C—Naval Vessels and Shipyards
Sec. 1021. Retirement of naval vessels.
Sec. 1022. Termination of a Maritime Prepositioning Ship squadron.
Sec. 1023. Sense of Congress on recapitalization for the Navy and Coast Guard.
Sec. 1024. Notice to Congress for the review of proposals to name naval vessels.
Subtitle D—Counterterrorism
Sec. 1031. Extension of certain prohibitions and requirements relating to detainees at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1032. Prohibition on use of funds for the transfer or release of individuals from United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1033. Prohibition on the indefinite detention of citizens and lawful permanent residents.
Subtitle E—Miscellaneous Authorities and Limitations
Sec. 1041. Enhancement of responsibilities of the Chairman of the Joint Chiefs of Staff regarding the National Military Strategy.
Sec. 1042. Modification of authority on training of special operations forces with friendly foreign forces.
Sec. 1043. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.
Sec. 1044. Participation of veterans in the Transition Assistance Program of the Department of Defense.
Sec. 1045. Modification of the Ministry of Defense Advisor Program.
Sec. 1046. Interagency collaboration on unmanned aircraft systems.
Sec. 1047. Sense of Senate on notice to Congress on unfunded priorities.
Sec. 1048. Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs.
Sec. 1049. Military working dog matters.
Sec. 1050. Prohibition on funds to enter into contracts or agreements with Rosoboronexport.
Sec. 1051. Sense of Congress on the Joint Warfighting Analysis Center.
Sec. 1052. Transition Assistance Advisor program.
Subtitle F—Reports
Sec. 1061. Report on strategic airlift aircraft.
Sec. 1062. Repeal of biennial report on the Global Positioning System.
Sec. 1063. Repeal of annual report on threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.
Sec. 1064. Report on program on return of rare earth phosphors from Department of Defense fluorescent lighting waste to the domestic rare earth supply chain.
Sec. 1065. Report on establishment of joint Armed Forces historical storage and preservation facility.
Sec. 1066. Study on Bradley Fighting Vehicle industrial base.
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Sec. 1068. Report on planned efficiency initiatives at Space and Naval Warfare Systems Command.
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TITLE LI—STOLEN VALOR ACT

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Subtitle C—Sense of Congress Regarding Spectrum.

Sec. 5317. Sense of Congress regarding spectrum.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH–47F HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into a multiyear contract or contracts, beginning with the fiscal year 2013 program year, for the procurement of airframes for CH–47F helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

Subtitle C—Navy Programs

SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion as specified in the funding table in section 4101, $1,613,392,000 is authorized to be available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN–72) during fiscal year 2013. The amount authorized to be made available in the preceding sentence is the first increment in the two-year sequence of incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract during fiscal year 2013 for the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 122. FORD CLASS AIRCRAFT CARRIERS.

(a) CONTRACT AUTHORITY FOR CONSTRUCTION OF AIRCRAFT CARRIERS DESIGNATED CVN–78, CVN–79, AND CVN–80.—In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN–21 class aircraft carrier designated CVN–78, CVN–79 or CVN–80, the Secretary of the Navy may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding four fiscal years, in the case of the vessel designated CVN–78, and the succeeding five fiscal years, in the case of the vessels designated CVN–79 and CVN–80.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 121 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104) is repealed.

SEC. 123. LIMITATION ON AVAILABILITY OF AMOUNTS FOR SECOND FORD CLASS AIRCRAFT CARRIER.

(a) LIMITATION.—Of the amount authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion for the second Ford class aircraft carrier as specified in the funding table in section 4101, not more than 50 percent of such amount may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees a report setting forth a description of the program management and cost control measures that will be employed in constructing the second Ford class aircraft carrier.

(b) ELEMENTS.—The report described in subsection (a) shall include a plan to do the following with respect to the Ford class aircraft carriers:

(1) To maximize planned work in shops and early stages of construction.

(2) To sequence construction of structural units to maximize the effects of lessons learned.

(3) To incorporate design changes to improve producibility for the Ford class aircraft carriers.

(4) To increase the size of erection units to eliminate disruptive unit breaks and improve unit alignment and fairness.

(5) To increase outfitting levels for assembled units before erection in the dry-dock.

(6) To increase overall ship completion levels at each key construction event.

(7) To improve facilities in a manner that will lead to improved productivity.

(8) To ensure the shipbuilder initiates plans that will improve productivity through capital improvements that would provide targeted return on investment, including—

(A) increasing the amount of temporary and permanent covered work areas;

(B) adding ramps and service towers for improved access to work sites and the dry-dock; and

(C) increasing lift capacity to enable construction of larger, more fully outfitted super-lifts.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with the fiscal year 2014 program year, for procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarine program.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and equipment for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) LIMITATION ON TERMINATION LIABILITY.—contract for construction of vessels or equipment, entered into in accordance with subsection (a) shall include a clause that limits the liability of the Government to the contractor for any termination of the contract. The maximum liability of the Government under the clause shall be the amount appropriated for the vessels or equipment covered by the contract. Additionally, in the event of cancellation, the maximum liability of the Government shall include the amount of the unfunded cancellation ceiling in the contract.

(e) AUTHORITY TO EXPAND MULTIYEAR PROCUREMENT.—The Secretary may employ incremental funding for the procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarines to be procured during fiscal years 2013 through 2018 if the Secretary—

(1) determines that such an approach will permit the Navy to procure an additional Virginia class submarine in fiscal year 2014; and

(2) intends to use the funding for that purpose.

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of up to 10 Arleigh Burke class Flight IIA guided missile destroyers, as well as the AEGIS Weapon Systems, MK 41 Vertical Launching Systems, and Commercial Broadband Satellite Systems associated with those vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 126. AUTHORITY FOR RELOCATION OF CERTAIN AEGIS WEAPON SYSTEM ASSETS BETWEEN AND WITHIN THE DDG–51 CLASS DESTROYER AND AEGIS ASHORE PROGRAMS IN ORDER TO MEET MISSION REQUIREMENTS.

(a) AUTHORITY.—

(1) TRANSFER TO AEGIS ASHORE SYSTEM.—Notwithstanding any other provision of law, the Secretary of the Navy may transfer AEGIS Weapon System (AWS) equipment with ballistic missile defense (BMD) capability to the Missile Defense Agency for use in the AEGIS Ashore System of the Agency for installation in the country designated as Host Nation #1 (HN–1) by transferring to the Agency such equipment procured with amounts authorized to be appropriated to the SCN account for fiscal years 2010 and 2011 for the DDG–51 Class Destroyer Program.

(2) ADJUSTMENTS IN EQUIPMENT DELIVERIES.—

(A) USE OF FY12 FUNDS FOR AWS SYSTEMS ON DESTROYERS PROCURED WITH FY11 FUNDS.—Amounts authorized to be appropriated to the SCN account for fiscal year 2012, and any AEGIS Weapon System assets procured with such amounts, may be used to deliver complete, mission-ready AEGIS Weapon Systems with ballistic missile defense capability to any DDG–51 class destroyer for which amounts were authorized to be appropriated for the SCN account for fiscal year 2011.

(B) USE OF AWS SYSTEMS PROCURED WITH RDTE FUNDS ON DESTROYERS.—The Secretary may install on any DDG–51class destroyer AEGIS weapon systems with ballistic missile defense capability transferred pursuant to paragraph (3).

(3) TRANSFER FROM AEGIS ASHORE SYSTEM.—The Director of the Missile Defense Agency shall transfer AEGIS Weapon System equipment with ballistic missile defense capability procured for installation in the AEGIS Ashore System to the Department of the Navy for the DDG–51 Class Destroyer Program to replace any equipment transferred to Agency under paragraph (1).

(4) TREATMENT OF TRANSFER IN FUNDING DESTROYER CONSTRUCTION.—Notwithstanding the source of funds for any equipment transferred under paragraph (3), the Secretary shall fund all work necessary to complete construction and outfitting of any destroyer in which such equipment is installed in the same manner as if such equipment had been acquired using amounts in the SCN account.

(5) SCN ACCOUNT DEFINED.—In this subsection, the term ''SCN account'' means the Shipbuilding and Conversion, Navy account.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed to repeal or otherwise modify in any way the limitation on obligation or expenditure of funds for missile defense interceptors in Europe as specified in section 223 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 Public Law 111–383; 124 Stat. 4168).

SEC. 127. DESIGNATION OF MISSION MODULES OF THE LITTORAL COMBAT SHIP AS A MAJOR DEFENSE ACQUISITION PROGRAM.

(a) DESIGNATION REQUIRED.—The Secretary of Defense shall—

(1) designate the effort to develop and produce all variants of the mission modules in support of the Littoral Combat Ship program as a major defense acquisition program under section 2430 of title 10, United States Code; and

(2) with respect to the development and production of each variant, submit to the congressional defense committees a report setting forth such cost, schedule, and performance information as would be provided if such effort were a major defense acquisition program, including Selected Acquisition Reports, unit cost reports, and program baselines.

(b) ADDITIONAL QUARTERLY REPORTS.—The Secretary shall submit to the congressional defense committees on a quarterly basis a report on the development and production of each variant of the mission modules in support of the Littoral Combat Ship, including cost, schedule, and performance, and identifying actual and potential problems with such development or production and potential mitigation plans to address such problems.

SEC. 128. TRANSFER OF CERTAIN FISCAL YEAR 2012 PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS FUNDS.

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds, $88,300,000 to other, higher priority programs of the Navy and the Marine Corps.

(b) COVERED FUNDS.—For purposes of this section, the term ''fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds'' means amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1317) and available for Procurement of Ammunition, Navy and Marine Corps as specified in the funding table in section 4101 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

SEC. 129. TRANSFER OF CERTAIN FISCAL YEAR 2012 PROCUREMENT, MARINE CORPS FUNDS FOR PROCUREMENT OF WEAPONS AND COMBAT VEHICLES.

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles, $135,200,000 to other, higher priority programs of the Navy and the Marine Corps.

(b) COVERED FUNDS.—For purposes of this section, the term ''fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles'' means amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1317) and available for Procurement, Marine Corps for the procurement of weapons and combat vehicles as specified in the funding table in section 4101 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

SEC. 130. SENSE OF CONGRESS ON MARINE CORPS AMPHIBIOUS LIFT AND PRESENCE REQUIREMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Marine Corps is a combat force which leverages maneuver from the sea as a force multiplier allowing for a variety of operational tasks ranging from major combat operations to humanitarian assistance.

(2) The United States Marine Corps is unique in that, while embarked upon Naval vessels, they bring all the logistic support necessary for the full range of military operations, operating ''from the sea'' they require no third party host nation permission to conduct military operations.

(3) The Department of the Navy has a requirement for 38 amphibious assault ships to meet this full range of military operations.

(4) Due to fiscal constraints only, that requirement of 38 vessels was reduced to 33 vessels, which adds military risk to future operations.

(5) The Department of the Navy has been unable to meet even the minimal requirement of 30 operationally available vessels and has submitted a shipbuilding and ship retirement plan to Congress which will reduce the force to 28 vessels.

(6) Experience has shown that early engineering and design of naval vessels has significantly reduced the acquisition costs and life-cycle costs of those vessels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should carefully evaluate the maritime force structure necessary to execute demand for forces by the commanders of the combatant commands;

(2) the Department of the Navy carefully evaluate amphibious lift capabilities to meet current and projected requirements;

(3) the Department of the Navy should consider prioritization of investment in and procurement of the next generation of amphibious assault ships, as a component of the balanced battle force;

(4) the next generation amphibious assault ships should maintain survivability protection;

(5) operation and maintenance requirements analysis, as well as the potential to leverage a common hull form design, should be considered to reduce total ownership cost and acquisition cost; and

(6) maintaining a robust amphibious ship building industrial base is vital for the future of the national security of the United States.

SEC. 131. SENSE OF SENATE ON DEPARTMENT OF NAVY FISCAL YEAR 2014 BUDGET REQUEST FOR TACTICAL AVIATION AIRCRAFT.

It is the sense of Senate that, if the budget request of the Department of the Navy for fiscal year 2014 for F–18 aircraft includes a request for funds for more than 13 new F–18 aircraft, the budget request of the Department of the Navy for fiscal year 2014 for F–35 aircraft should include a request for funds for not fewer than 6 F–35B aircraft and 4 F–35C aircraft, presuming that development, testing, and production of the F–35 aircraft are proceeding according to current plans.

SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by $2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications, line 085, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNet/Spectral Warrior Hardware and installation in order to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

Subtitle D—Air Force Programs

SEC. 141. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED TO BE MAINTAINED IN STRATEGIC AIRLIFT AIRCRAFT INVENTORY.

(a) REDUCTION IN INVENTORY REQUIREMENT.—Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking ''Effective October 1, 2011, the'' and inserting ''The''; and

(2) by striking ''301 aircraft'' and inserting ''275 aircraft''.

(b) MODIFICATION OF CERTIFICATION REQUIREMENT.—Section 137(d)(3)(B) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2221) is amended by striking ''316 strategic airlift aircraft'' and inserting ''275 strategic airlift aircraft''.

(c) PRESERVATION OF CERTAIN RETIRED C–5 AIRCRAFT.—The Secretary of the Air Force shall preserve each C–5 aircraft retired by the Secretary after September 30, 2012, such that the aircraft—

(1) is stored in flyable condition;

(2) can be returned to service; and

(3) is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force.

SEC. 142. TREATMENT OF CERTAIN PROGRAMS FOR THE F–22A RAPTOR AIRCRAFT AS MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense shall treat the programs referred to in subsection (b) for the F–22A Raptor aircraft as a major defense acquisition program for which Selected Acquisition Reports shall be submitted to Congress in accordance with the requirements of section 2432 of title 10, United States Code.

(b) COVERED PROGRAMS.—The programs referred to in this subsection for the F–22A Raptor aircraft are the following:

(1) Any modernization program through Increment 3.2A.

(2) The Reliability and Maintainability Maturation Program (RAMMP) and the Structural Repair Program (SRP II).

(3) The modernization Increment 3.2B and any future F–22A Raptor aircraft modernization program that would otherwise, if a standalone program, qualify for treatment as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 143. AVIONICS SYSTEMS FOR C–130 AIRCRAFT.

(a) LIMITATIONS.—

(1) AVIONICS MODERNIZATION PROGRAM.—The Secretary of the Air Force shall take no action to cancel or modify the Avionics Modernization Program (AMP) for the C–130 aircraft until 30 days after the date of the submittal to the congressional defense committees of the report required by subsection (b).

(2) CNS/ATM PROGRAM.—

(A) IN GENERAL.—The Secretary shall take no action described in subparagraph (B) until 30 days after the date of the submittal to the congressional defense committees of the report required by subsection (b).

(B) COVERED ACTIONS.—An action described in this subparagraph is an action to begin an alternative communication, navigation, surveillance, and air traffic management (CNS/ATM) program for the C–130 aircraft that is designed or intended—

(i) to meet international communication, navigation, surveillance, and air traffic management standards for the fleet of C–130 aircraft; or

(ii) to replace the current Avionics Modernization Program for the C–130 aircraft.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees report on the results of a study to be conducted by the Office of Cost Assessment and Program Evaluation of the Department of Defense on the following:

(1) The costs and schedule to complete the current program of record for the Avionics Modernization Program for the C–130 aircraft, as anticipated at the time of the last certification on that program under section 2433a of title 10, United States Code.

(2) The total cost and schedule, from start to completion, of any proposed alternative communication, navigation, surveillance, and air traffic management program for the C–130 aircraft.

(3) The projected manpower savings to be derived from the current program of record for the Avionics Modernization Program for the C–130 aircraft in comparison with the projected manpower savings to be derived from any proposed alternative communication, navigation, surveillance, and air traffic management program for the C–130 aircraft.

SEC. 144. PROCUREMENT OF SPACE-BASED INFRARED SYSTEM SATELLITES.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two space-based infrared system satellites by entering into a fixed-price contract for such procurement.

(2) COST REDUCTION.—The Secretary may include in a contract entered into under paragraph (1) the following:

(A) The procurement of material and equipment in economic order quantities if the procurement of such material and equipment in such quantities will result in cost savings.

(B) Cost reduction initiatives.

(3) USE OF INCREMENTAL FUNDING.—The Secretary may use incremental funding for a contract entered into under paragraph (1) for a period not to exceed six fiscal years.

(4) LIABILITY.—A contract entered into under paragraph (1) shall provide that—

(A) any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose; and

(B) the total liability of the Federal Government for the termination of the contract shall be limited to the total amount of funding obligated at the time of the termination of the contract.

(b) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided in subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two space-based infrared system satellites authorized by subsection (a) may not exceed $3,900,000,000.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program-related support costs.

(D) Technical support for obsolescence studies.

(c) ADJUSTMENT TO LIMITATION AMOUNT.—

(1) IN GENERAL.—The Secretary may increase the limitation set forth in subsection (b)(1) by the amount of an increase described in paragraph (2) if the Secretary submits to the congressional defense committees written notification of the increase made to that limitation.

(2) INCREASE DESCRIBED.—An increase described in this paragraph is one of the following:

(A) An increase in costs that is attributable to economic inflation after September 30, 2012.

(B) An increase in costs that is attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2012.

(C) An increase in the cost of a space-based infrared system satellite that is attributable to the insertion of a new technology into the satellite that was not built into such satellites procured before fiscal year 2013, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology into the satellite is—

(i) expected to decrease the life-cycle cost of the satellite; or

(ii) required to meet an emerging threat that poses grave harm to the national security of the United States.

(d) REPORTS.—

(1) REPORT ON CONTRACTS.—Not later than 30 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on the contract that includes the following:

(A) The total cost savings resulting from the authority provided by subsection (a).

(B) The type and duration of the contract.

(C) The total value of the contract.

(D) The funding profile under the contract by year.

(E) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(2) PLAN FOR USING COST SAVINGS.—Not later than 90 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a plan for using the cost savings described in paragraph (1)(A) to improve the capability of military infrared and early warning satellites that includes a description of the following:

(A) The available funds, by year, resulting from such cost savings.

(B) The specific activities or subprograms to be funded using such cost savings and the funds, by year, allocated to each such activity or subprogram.

(C) The objectives for each such activity or subprogram.

(D) The criteria used by the Secretary to determine which such activities or subprograms to fund.

(E) The method by which the Secretary will determine which such activities or subprograms to fund, including whether that determination will be on a competitive basis.

(F) The plan for encouraging participation in such activities and subprograms by small businesses.

(G) The process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

(e) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBER 5 FOR SPACE VEHICLE NUMBER 6.—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2013 by section 101 for procurement for the Air Force as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system space vehicle number 6.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two space-based infrared system satellites unless the Secretary determines that entering into such a contract will save the Air Force not less than 20 percent over the cost of procuring two such satellites separately.

SEC. 145. TRANSFER OF CERTAIN FISCAL YEAR 2011 AND 2012 FUNDS FOR AIRCRAFT PROCUREMENT FOR THE AIR FORCE.

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from fiscal year 2011 and 2012 Aircraft Procurement, Air Force funds, an aggregate of $920,748,000 to other, higher priority programs of the Air Force.

(b) COVERED FUNDS.—For purposes of this section, the term ''fiscal year 2011 and 2012 Aircraft Procurement, Air Force funds'' means—

(1) amounts authorized to be appropriated for fiscal year 2011 by section 103(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4152) for aircraft procurement for the Air Force; and

(2) amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1317) and available for Aircraft Procurement, Air Force as specified in the funding table in section 4101 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be

deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

Subtitle E—Joint and Multiservice Matters

SEC. 151. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 JOINT AIRCRAFT PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract or contracts, beginning with the fiscal year 2013 program year, for the procurement of V–22 aircraft for the Department of the Navy, the Department of the Air Force, and the United States Special Operations Command.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR FULL-RATE PRODUCTION OF HANDHELD, MANPACK, AND SMALL FORM/FIT RADIOS UNDER THE JOINT TACTICAL RADIO SYSTEM PROGRAM.

Amounts available for the Joint Tactical Radio System (JTRS) program may not be obligated or expended for full-rate production of the Handheld, Manpack, and Small Form/Fit (HMS) radios under that program until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that the acquisition strategy for such radios provides, to the maximum extent practicable, for full and open competition in the acquisition of such radios.

SEC. 153. SHALLOW WATER COMBAT SUBMERSIBLE PROGRAM.

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the efforts of the contractor under the Shallow Water Combat Submersible (SWCS) program and the United States Special Operations Command to improve the accuracy of the tracking of the schedule and costs of the program.

(2) The revised timeline for the initial and full operational capability of the Shallow Water Combat Submersible.

(3) A current estimate of the cost to meet the basis of issue requirement under the program.

(b) SUBSEQUENT REPORTS.—

(1) QUARTERLY REPORTS REQUIRED.—The Commander of the United States Special Operations Command shall submit to the congressional defense committees on a quarterly basis updates on the metrics from the earned value management system with which the Command is tracking the schedule and cost performance of the contractor of the Shallow Water Combat Submersible program.

(2) SUNSET.—The requirement in paragraph (1) shall cease on the date the Shallow Water Combat Submersible has completed operational testing and has been found to be operationally effective and operationally suitable.

SEC. 154. AC–130 AIRCRAFT ELECTRO-OPTICAL AND INFRARED SENSORS.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by $6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure color electro-optical and infrared imaging sensors for AC–130 aircraft used by the United States Special Operations Command in ongoing contingency operations.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. NEXT GENERATION FOUNDRY FOR THE DEFENSE MICROELECTRONICS ACTIVITY.

Amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for the Next Generation Foundry for the Defense Microelectronics Activity (DMEA) (PE #603720S) as specified in the funding table in section 4201 may not be obligated or expended for that purpose until 60 days after the date on which the Assistant Secretary of Defense for Research and Engineering—

(1) develops a microelectronics strategy as described in the Senate report to accompany S. 1235 of the 112th Congress (S. Rept. 112–26) and an estimate of the full life-cycle costs for the upgrade of the Next Generation Foundry; and

(2) submits the strategy and cost estimate required by paragraph (1) to the congressional defense committees.

SEC. 212. ADVANCED ROTORCRAFT INITIATIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the military departments, the Defense Advanced Research Projects Agency, and industry (including the Vertical Lift Consortium (VLC)), submit to the congressional defense committees a report setting forth a strategy for the use of integrated platform design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Mechanisms for establishing agile prototyping practices and programs, including rotorcraft X-planes, and an identification of the resources required for such purposes.

(2) A restructuring of the Joint Multi-role (JMR) development program of the Army to include more technology demonstration platforms with challenge goals of significant reductions in cost and time to flight.

(3) A restructuring of the X-Plane Rotorcraft program of the Defense Advanced Research Projects Agency to develop performance objectives beyond the Joint Multi-role development program, including at least two competing teams.

(4) Approaches, including competitive prize awards, to encourage the development of advanced rotorcraft capabilities to address challenge problems such as nap-of-earth automated flight, urban operation near buildings, slope landings, automated autorotation or power-off recovery, and automated selection of landing areas.

SEC. 213. TRANSFER OF CERTAIN FISCAL YEAR 2012 NAVY RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Navy research, development, test, and evaluation funds, $8,832,000 to other, higher priority programs of the Navy.

(b) COVERED FUNDS.—For purposes of this section, the term ''fiscal year 2012 Navy research, development, test, and evaluation funds'' means amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Navy as specified in the funding table in section 4201 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

SEC. 214. AUTHORITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATION PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN UNITED STATES TERRITORIES AND POSSESSIONS.

(a) AUTHORITY.—Subsection (a) of section 2194 of title 10, United States Code, is amended by inserting '', the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any possession of the United States'' after ''institutions of the United States''.

(b) TECHNICAL AMENDMENT.—Subsection (f)(2) of such section is amended by inserting ''(20 U.S.C. 7801)'' before the period.

SEC. 215. TRANSFER OF CERTAIN FISCAL YEAR 2012 AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from fiscal year 2012 Air Force research, development, test, and evaluation funds, $78,426,000 to other, higher priority programs of the Air Force.

(b) COVERED FUNDS.—For purposes of this section, the term ''fiscal year 2012 Air Force research, development, test, and evaluation funds'' means amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Air Force as specified in the funding table in section 4201 of that Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

SEC. 216. RELOCATION OF C–BAND RADAR FROM ANTIGUA TO H.E. HOLT STATION IN WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL AWARENESS CAPABILITIES.

To the extent provided in appropriations Acts, of the amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for Space Situation Awareness Systems (PE 0604425F) for System Development and Demonstration as specified in the funding table in section 4201, $3,000,000 may be obligated and expended for a new program for the relocation and research and development activities to enhance Space Situational Awareness capabilities through—

(1) the repurposing of the C–Band Radar at Antigua;

(2) the relocation of that radar to the H.E. Holt Station in Western Australia;

(3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;

(4) operational testing of that radar; and

(5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.

(a) ADDITIONAL AMOUNT FOR RDT&E, ARMY.—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by $38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

Subtitle C—Missile Defense Matters

SEC. 231. HOMELAND BALLISTIC MISSILE DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Ballistic Missile Defense Review of February 2010 stated as its first policy priority that ''the United States will continue to defend the homeland against the threat of limited ballistic missile attack'' and that ''an essential element of the United States' homeland ballistic missile defense strategy is to hedge against future uncertainties, including both the uncertainty of future threat capabilities and the technical risks inherent to our own development plans''.

(2) The United States currently has an operational Ground-based Midcourse Defense (GMD) system with 30 Ground-Based Interceptors (GBIs) deployed in Alaska and California, protecting the United States against the potential future threat of limited ballistic missile attack from countries such as North Korea and Iran.

(3) As Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley Roberts testified before the Committee on Armed Services of the Senate on April 25, 2012, ''[w]ith 30 GBIs in place, the United States is in an advantageous position vis-à-vis the threats from North Korea and Iran,'' and ''neither has successfully tested an ICBM or demonstrated an ICBM-class warhead''.

(4) Deputy Assistant Secretary Roberts testified that maintaining this advantageous position ''requires continued improvement to the GMD system, including enhanced performance by the GBIs and the deployment of new sensors. It also requires the development of the Precision Tracking Space System (PTSS) to handle larger raid sizes and the Standard Missile-3 (SM–3) Block IIB as the ICBM threat from states like Iran and North Korea matures. These efforts will help to ensure that the United States possesses the capability to counter the projected threat for the foreseeable future''.

(5) As its highest priority, the Missile Defense Agency is designing a correction to the problem that caused a December 2010 flight test failure of the Ground-based Midcourse Defense system using the Capability Enhancement II (CE–II) model of exo-atmospheric kill vehicle, and plans to demonstrate the correction in two flight tests before resuming production or assembly of additional Capability Enhancement II kill vehicles.

(6) The Department of Defense has a program to improve the performance and reliability of the Ground-based Midcourse Defense system, including a plan to test every component of the Ground-Based Interceptors for reliability. According to Department of Defense officials, the goal of the Ground-Based Interceptor reliability program is to double the number of threat Intercontinental Ballistic Missiles (ICBMs) that our current inventory of Ground-Based Interceptors could defeat, thereby effectively doubling the capability of our current Ground-based Midcourse Defense system.

(7) The Missile Defense Agency, working with the Director of Operational Test and Evaluation and with United States Strategic Command, has developed a comprehensive Integrated Master Test Plan (IMTP) for missile defense, with flight tests for the Ground-based Midcourse Defense system planned through fiscal year 2022, including salvo testing, multiple simultaneous engagement testing, and operational testing.

(8) The Director of Operational Test and Evaluation, who must review, approve, and sign each semi-annual version of the Integrated Master Test Plan, testified that the Test Plan is ''a robust and rigorous test plan''. He also testified that the current pace of Ground-based Midcourse Defense system testing of one flight test per year is the ''best that we've been able to achieve over a decade''.

(9) The Director of the Missile Defense Agency testified before the Committee on Armed Services of the Senate on April 25, 2012, that flight testing the Ground-based Midcourse Defense system more often than once per year could cause ''greater risk of further failure and setbacks to developing our homeland defense capability as rapidly as possible''.

(10) As part of its homeland defense hedging strategy, the Department of Defense has already decided upon or implemented a number of actions to improve the missile defense posture of the United States in case the threat of Intercontinental Ballistic Missiles from North Korea or Iran emerges sooner or in greater numbers than anticipated. These include the following actions:

(A) The Missile Defense Agency has completed construction of Missile Field-2 at Fort Greely, Alaska, with eight extra silos available to deploy additional operational Ground-Based Interceptors, if needed.

(B) With its request for 5 additional Ground-Based Interceptors in the budget of the President for fiscal year 2013, the Missile Defense Agency plans to have enough test and spare Ground-Based Interceptors to emplace in the 8 extra silos from 2014 through 2025, and will keep the Ground-Based Interceptor production line active for 5 additional years, thus allowing additional Ground-Based Interceptor purchases in the future, if needed.

(C) The Department has decided not to decommission prototype Missile Field-1 at Fort Greely but, instead, to keep it in a storage status that would permit it to be refurbished and reactivated within a few years if future threat developments make that necessary.

(D) The Missile Defense Agency plans to build an in-flight interceptor communications terminal at Fort Drum, New York, to enhance the performance of Ground-Based Interceptors defending the eastern United States against possible future missile threats from Iran.

(E) The Missile Defense Agency is continuing the development and testing of the two-stage Ground-Based Interceptor for possible deployment in the future, if needed.

(F) The Missile Defense Agency is upgrading early warning radars in Clear, Alaska, and Cape Cod, Massachusetts, to enhance the ability to defend against potential multiple future Intercontinental Ballistic Missile threats from North Korea and Iran.

(G) The Missile Defense Agency is pursuing development of the Standard Missile-3 Block IIB interceptor for Phase 4 of the European Phased Adaptive Approach. It is intended to augment the Ground-based Midcourse Defense system as a cost-effective first layer of defense of the homeland against a possible future Intercontinental Ballistic Missile threat from Iran.

(H) The Missile Defense Agency is pursuing development of the Precision Tracking Space System, a satellite sensor system to provide persistent tracking of large numbers of missiles in flight, and fire-control quality targeting data to various missile defense interceptor systems. According to the Director of the Missile Defense Agency, ''the greatest future enhancement for both homeland and regional defense in the next ten years is the development of the Precision Tracking Space System satellites''.

(11) As part of its homeland defense hedging strategy review, the Department of Defense is considering other options to enhance the future United States posture to defend the homeland, including the feasibility, advisability and affordability of deploying additional Ground-Based Interceptors, either in Alaska or at a missile defense site on the East Coast of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a national priority to defend the homeland against the potential future threat of limited ballistic missile attack from countries such as North Korea and Iran;

(2) the currently deployed Ground-based Midcourse Defense system, with 30 Ground-Based Interceptors deployed in Alaska and California, provides protection of the United States homeland against the potential future threat of limited ballistic missile attack from North Korea and Iran;

(3) it is essential for the Ground-based Midcourse Defense system to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland against limited ballistic missile attack;

(4) the Missile Defense Agency should, as its highest priority, correct the problem that caused the December 2010 Ground-based Midcourse Defense system flight test failure and demonstrate the correction in flight tests before resuming production of the Capability

Enhancement-II kill vehicle, in order to provide confidence that the system will work as intended;

(5) the Department of Defense should continue to enhance the performance and reliability of the Ground-based Midcourse Defense system, and enhance the capability of the Ballistic Missile Defense System, to provide improved capability to defend the homeland against possible increased future missile threats from North Korea and Iran;

(6) the Missile Defense Agency should continue its robust, rigorous, and realistic testing of the Ground-based Midcourse Defense system at a pace of one flight test per year, as described in the Integrated Master Test Plan, including salvo testing, multiple simultaneous engagement testing, and operational testing;

(7) if successfully developed, the Standard Missile-3 Block IIB interceptor would provide an essential first layer of defense of the homeland against an emerging Intercontinental Ballistic Missile threat from Iran, using a cost-effective forward-based early intercept system that could permit holding Ground-Based Interceptors in reserve, and if such interceptor could be deployed on ships, it would also provide a significant enhancement to defense against possible future threats from North Korea;

(8) the Precision Tracking Space System has the potential to improve dramatically the capability of homeland and regional missile defense systems against large numbers of missiles launched simultaneously, and should remain a high priority for development;

(9) the Department of Defense has taken a number of prudent, affordable, cost-effective, and operationally significant steps to hedge against the possibility of future growth in the missile threat to the homeland from North Korea and Iran; and

(10) the Department of Defense should continue to evaluate the evolution of the long-range missile threat from North Korea and Iran and consider other possibilities for prudent, affordable, cost-effective, and operationally significant steps to improve the posture of the United States to defend the homeland against possible future growth in the threat.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of efforts to improve the homeland ballistic missile defense capability of the United States.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1)) shall include the following:

(A) A detailed description of the actions taken or planned to improve the reliability, availability, and capability of the Ground-based Midcourse Defense system.

(B) A description of any improvements achieved as a result of the actions described in subparagraph (A).

(C) A description of the results of the two planned flight tests of the Ground-based Midcourse Defense system (Control Test Vehicle flight test-1, and GMD Flight Test–06b) intended to demonstrate the success of the correction of the problem that caused the flight test failure of December 2010, and the status of any decision to resume production of the Capability Enhancement-II kill vehicle.

(D) A detailed description of actions taken or planned to improve the homeland defense posture of the United States to hedge against potential future Intercontinental Ballistic Missile threat growth from North Korea and Iran.

(E) Any other matters the Secretary considers appropriate.

(3) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 232. REGIONAL BALLISTIC MISSILE DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) In the introduction to the Ballistic Missile Defense Review of February 2010, Secretary of Defense Robert Gates states that ''I have made defending against near-term regional threats a top priority of our missile defense plans, programs and capabilities''.

(2) In describing the threat of regional ballistic missiles, the report of the Ballistic Missile Defense Review states that ''there is no uncertainty about the existence of regional threats. They are clear and present. The threat from short-range, medium-range, and intermediate-range ballistic missiles (SRBMs, MRBMs, and IRBMs) in regions where the United States deploys forces and maintains security relationships is growing at a particularly rapid pace''.

(3) In testimony before the Committee on Armed Services of the Senate on April 25, 2012, Dr. Bradley Roberts, Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy stated, with respect to regional missile defense, that ''the need arises from the rapidly emerging threats to our armed forces in Europe, the Middle East, and East Asia from regional missile proliferators and the basic challenge such proliferation poses to the safety and security of our forces and allies and to our power projection strategy''.

(4) Iran has the largest inventory of regional ballistic missiles in the Middle East, with hundreds of missiles that can reach southeastern Europe and all of the Middle East, including Israel. Iran is improving its existing missiles and developing new and longer-range missiles.

(5) North Korea has a large and growing inventory of short-range and medium-range ballistic missiles that can reach United States forces and allies in South Korea and Japan. North Korea is improving its existing missiles and developing new and longer-range missiles.

(6) In September 2009, President Barack Obama announced that he had accepted the unanimous recommendation of the Secretary of Defense and the Joint Chiefs of Staff to establish a European Phased Adaptive Approach to missile defense, designed to protect deployed United States forces and allies and partners in Europe against the large and growing threat of ballistic missiles from Iran.

(7) In November 2010, at the Lisbon Summit, the North Atlantic Treaty Organization (NATO) decided to adopt the core mission of missile defense of its population, territory and forces. The North Atlantic Treaty Organization agreed to enhance its missile defense command and control system, the Active Layered Theater Ballistic Missile Defense, to provide a North Atlantic Treaty Organization command and control capability. This is in addition to contributions of missile defense capability from individual nations.

(8) During 2011, the United States successfully implemented Phase 1 of the European Phased Adaptive Approach, including deployment of an AN/TPY–2 radar in Turkey, deployment of an Aegis Ballistic Missile Defense ship in the eastern Mediterranean Sea with Standard Missile-3 Block IA interceptors, and establishment of a missile defense command and control system in Germany.

(9) During 2011, the United States successfully negotiated all the international agreements with North Atlantic Treaty Organization allies needed to permit future phases of the European Phased Adaptive Approach, including agreements with Romania and Poland to permit the deployment of Aegis Ashore missile defense systems on their territory, an agreement with Turkey to permit deployment of an AN/TPY–2 radar on its territory, and an agreement with Spain to permit the forward stationing of four Aegis Ballistic Missile Defense ships at Rota.

(10) Phase 2 of the European Phased Adaptive Approach is planned for deployment in 2015, and is planned to include the deployment of Standard Missile-3 Block IB interceptors on Aegis Ballistic Missile Defense ships and at an Aegis Ashore site in Romania.

(11) Phase 3 of the European Phased Adaptive Approach is planned for deployment in 2018, and is planned to include the deployment of Standard Missile-3 Block IIA interceptors on Aegis Ballistic Missile Defense ships and at an Aegis Ashore site in Poland.

(12) Phase 4 of the European Phased Adaptive Approach is planned for deployment in 2020, and is planned to include the deployment of Standard Missile-3 Block IIB interceptors at Aegis Ashore sites. This interceptor is intended to protect both Europe and the United States against potential future long-range ballistic missiles from Iran.

(13) At the North Atlantic Treaty Organization Summit in Chicago in 2012, the North Atlantic Treaty Organization plans to announce it has achieved an ''interim capability'' for the North Atlantic Treaty Organization missile defense system, including initial capability of its Active Layered Theater Ballistic Missile Defense system at a command and control facility in Germany.

(14) The United States has a robust program of missile defense cooperation with Israel, including joint development of the Arrow Weapon System and the new Arrow-3 upper tier interceptor, designed to defend Israel against ballistic missiles from Iran. These jointly developed missile defense systems are designed to be interoperable with United States ballistic missile defenses, and these interoperable systems are tested in large military exercises. The United States has deployed an AN/TPY–2 radar in Israel to enhance missile defense against missiles from Iran.

(15) The United States is working with the nations of the Gulf Cooperation Council on enhanced national and regional missile defense capabilities against growing missile threats from Iran. As part of this effort, the United Arab Emirates plans to purchase two batteries of the Terminal High Altitude Air Defense (THAAD) system, as well as other equipment.

(16) The United States has a strong program of missile defense cooperation with Japan, including the co-development of the Standard Missile-3 (SM–3) Block IIA interceptor for the Aegis Ballistic Missile Defense system, intended to be deployed by Japan and in Phase 3 of the European Phased Adaptive Approach, Japan's fleet of Aegis Ballistic Missile Defense ships using the SM–3 Block IA interceptors, and the United States deployment of an AN/TPY–2 radar in Japan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the threat from regional ballistic missiles, particularly from Iran and North Korea, is serious and growing, and puts at risk forward-deployed United States forces and allies and partners in Europe, the Middle East, and the Asia-Pacific region;

(2) the Department of Defense has an obligation to provide force protection of forward-deployed United States forces, assets, and facilities from regional ballistic missile attack;

(3) the United States has an obligation to meet its security commitments to its allies,

including ballistic missile defense commitments;

(4) the Department of Defense has a balanced program of investment and capabilities to provide for both homeland defense and regional defense against ballistic missiles, consistent with the Ballistic Missile Defense Review and with the prioritized and integrated needs of the commanders of the combatant commands;

(5) the European Phased Adaptive Approach to missile defense is an appropriate and necessary response to the existing and growing ballistic missile threat from Iran to forward deployed United States forces and allies and partners in Europe;

(6) the Department of Defense—

(A) should, as a high priority, continue to develop, test, and plan to deploy all four phases of the European Phased Adaptive Approach, including all variants of the Standard Missile-3 interceptor; and

(B) should also continue with its other phased and adaptive regional missile defense efforts tailored to the Middle East and the Asia-Pacific region;

(7) European members of the North Atlantic Treaty Organization are making valuable contributions to missile defense in Europe, by hosting elements of United States missile defense systems on their territories, through individual national contributions to missile defense capability, and by collective funding and development of the Active Layered Theater Ballistic Missile Defense system; and

(8) the Department of Defense should continue with the development of the key enablers of enhanced regional missile defense, including the Precision Tracking Space System.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status and progress of regional missile defense programs and efforts.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) An assessment of the adequacy of the existing and planned European Phased Adaptive Approach to provide force protection for forward deployed United States forces in Europe against ballistic missile threats from Iran, and an assessment whether adequate force protection would be available absent the European Phased Adaptive Approach.

(B) An assessment whether the European Phased Adaptive Approach and other planned regional missile defense approaches of the United States meet the integrated priorities of the commanders of the regional combatant commands in an affordable and balanced manner.

(C) A description of the progress made in the development and testing of elements of systems intended for deployment in Phases 2 through 4 of the European Phased Adaptive Approach, including the Standard Missile-3 Block IB interceptor and the Aegis Ashore system.

(D) A description of the manner in which elements of regional missile defense architectures, such as forward-based X-band radars in Turkey and Japan, contribute to the enhancement of homeland defense of the United States.

(E) A description of the current and planned contributions of North Atlantic Treaty Organization allies, both collectively and individually, to missile defense in Europe.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 233. MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) FINDINGS.—Congress makes the following findings:

(1) For more than a decade, the United States and Russia have discussed a variety of options for cooperation on shared early warning and ballistic missile defense. For example, on May 1, 2001, President George W. Bush spoke of a ''new cooperative relationship'' with Russia and said ''it should be premised on openness, mutual confidence and real opportunities for cooperation, including the area of missile defense. It should allow us to share information so that each nation can improve its early warning capability, and its capability to defend its people and territory. And perhaps one day, we can even cooperate in a joint defense''.

(2) Section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 1654A–329) authorized the Department of Defense to establish in Russia a ''joint center for the exchange of data from systems to provide early warning of launches of ballistic missiles and for notification of launches of such missiles'', also known as the Joint Data Exchange Center (JDEC).

(3) On March 31, 2008, Deputy Secretary of Defense Gordon England stated that ''we have offered Russia a wide-ranging proposal to cooperate on missile defense—everything from modeling and simulation, to data sharing, to joint development of a regional missile defense architecture—all designed to defend the United States, Europe, and Russia from the growing threat of Iranian ballistic missiles. An extraordinary series of transparency measures have also been offered to reassure Russia. Despite some Russian reluctance to sign up to these cooperative missile defense activities, we continue to work toward this goal''.

(4) On July 6, 2009, President Barack Obama and Russian President Dmitry Medvedev issued a joint statement on missile defense issues, which stated that ''Russia and the United States plan to continue the discussion concerning the establishment of cooperation in responding to the challenge of ballistic missile proliferation. . . We have instructed our experts to work together to analyze the ballistic missile challenges of the 21st century and to prepare appropriate recommendations''.

(5) The February 2010 report of the Ballistic Missile Defense Review established as one of its central policy pillars that increased international missile defense cooperation is in the national security interest of the United States and, with regard to cooperation with Russia, the United States ''is pursuing a broad agenda focused on shared early warning of missile launches, possible technical cooperation, and even operational cooperation''.

(6) at the November 2010 Lisbon Summit, the North Atlantic Treaty Organization (NATO) decided to develop a missile defense system to ''protect NATO European populations, territory and forces'' and also to seek cooperation with Russia on missile defense. In its Lisbon Summit Declaration, the North Atlantic Treaty Organization reaffirmed its readiness to ''invite Russia to explore jointly the potential for linking current and planned missile defence systems at an appropriate time in mutually beneficial ways''. The new NATO Strategic Concept adopted at the Lisbon Summit states that ''we will actively seek cooperation on missile defense with Russia'', that ''NATO-Russia cooperation is of strategic importance'', and that ''the security of the North Atlantic Treaty Organization and Russia is intertwined''.

(7) In a December 18, 2010, letter to the leadership of the Senate, President Obama wrote that the North Atlantic Treaty Organization ''invited Russia to cooperate on missile defense, which could lead to adding Russian capabilities to those deployed by NATO to enhance our common security against common threats. The Lisbon Summit thus demonstrated that the Alliance's missile defenses can be strengthened by improving NATO-Russian relations. This comes even as we have made clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States' or NATO's missile defense capabilities. Effective cooperation with Russia could enhance the overall efficiency of our combined territorial missile defenses, and at the same time provide Russia with greater security''.

(8) Section 221(a)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4167) states that it is the sense of Congress ''to support the efforts of the United States Government and the North Atlantic Treaty Organization to pursue cooperation with the Russian Federation on ballistic missile defense relative to Iranian missile threats''.

(9) In a speech in Russia on March 21, 2011, Secretary of Defense Robert Gates cited ''the NATO-Russian decision to cooperate on defense against ballistic missiles. We've disagreed before, and Russia still has uncertainties about the European Phased Adaptive Approach, a limited system that poses no challenges to the large Russian nuclear arsenal. However, we've mutually committed to resolving these difficulties in order to develop a roadmap toward truly effective anti-ballistic missile collaboration. This collaboration may include exchanging launch information, setting up a joint data fusion center, allowing greater transparency with respect to our missile defense plans and exercises, and conducting a joint analysis to determine areas of future cooperation''.

(10) In testimony to the Committee on Armed Services of the Senate on April 13, 2011, Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley H. Roberts stated that the United States has been pursuing a Defense Technology Cooperation Agreement with Russia since 2004, and that such an agreement is necessary ''for the safeguarding of sensitive information in support of cooperation'' on missile defense, and to ''provide the legal framework for undertaking cooperative efforts''. Further, Dr. Roberts stated that the United States would not provide any classified information to Russia without first conducting a National Disclosure Policy review. He also stated that the United States is not considering sharing ''hit-to-kill'' technology with Russia.

(11) In a March 2012 answer to a question from the Committee on Armed Services of the Senate on missile defense cooperation with Russia, Acting Under Secretary of Defense for Policy Jim Miller wrote that ''I support U.S.-Russian cooperation on missile defenses first and foremost because it could improve the effectiveness of U.S. and NATO missile defenses, thereby improving the protection of the United States, our forces overseas, and our Allies. Missile defense cooperation with Russia is in the security interests of the United States, NATO, and Russia, first and foremost because it could strengthen capabilities across Europe to intercept Iranian missiles''. He also wrote that ''[t]he United States has pursued missile defense cooperation with Russia with the clear understanding that we would not accept constraints on missile defense, and that we would undertake necessary qualitative and quantitative improvements to meet U.S. Security needs''.

(12) In February 2012, an international group of independent experts known as the Euro-Atlantic Security Initiative issued a report proposing missile defense cooperation between the United States (with its North Atlantic Treaty Organization allies) and Russia. The group, whose leaders included Stephen Hadley, the National Security Advisor to President George W. Bush, proposed that the nations share satellite and radar early warning data at joint cooperation centers in order to improve their ability to detect, track, and defeat medium-range and intermediate-range ballistic missiles from the Middle East.

(13) In a letter dated April 13, 2012, Robert Nabors, Assistant to the President and Director of the Office of Legislative Affairs, wrote that ''it is Administration policy that we will only provide information to Russia that will enhance the effectiveness of our missile defenses. The Administration will not provide Russia with sensitive information that would in any way compromise our national security, including hit-to-kill technology and interceptor telemetry''.

(14) The United States and Russia already engage in substantial cooperation on a number of international security efforts, including nuclear nonproliferation, anti-piracy, counter-narcotics, nuclear security, counterterrorism, and logistics resupply through Russia of coalition forces in Afghanistan. These areas of cooperation require each side to share and protect sensitive information, which they have both done successfully.

(15) The United States currently has shared early warning agreements and programs of cooperation with eight nations in addition to the North Atlantic Treaty Organization. The United States has developed procedures and mechanisms for sharing early warning information with partner nations while ensuring the protection of sensitive United States information.

(16) Russia and the United States each have missile launch early warning and detection and tracking sensors that could contribute to and enhance each others' ability to detect, track, an defend against ballistic missile threats from Iran.

(17) The Obama Administration has provided regular briefings to Congress on its discussions with Russia on possible missile defense cooperation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security interest of the United States to pursue efforts at missile defense cooperation with Russia that would enhance the security of the United States, its North Atlantic Treaty Organization allies, and Russia, particularly against missile threats from Iran;

(2) the United States should pursue ballistic missile defense cooperation with Russia on both a bilateral basis and a multilateral basis with its North Atlantic Treaty Organization allies, particularly through the NATO-Russia Council;

(3) missile defense cooperation with Russia should not ''in any way limit United States' or NATO's missile defense capabilities'', as acknowledged in the December 18, 2010, letter from President Obama to the leadership of the Senate, and should be mutually beneficial and reciprocal in nature;

(4) the United States should not provide Russia with sensitive missile defense information that would in any way compromise United States national security, including ''hit-to-kill'' technology and interceptor telemetry; and

(5) the United States should pursue missile defense cooperation with Russia in a manner that ensures that—

(A) United States classified information is appropriately safeguarded and protected from unauthorized disclosure;

(B) prior to sharing classified information with Russia, the United States conducts a National Disclosure Policy review and determines the types and levels of information that may be shared and whether any additional procedures are necessary to protect such information;

(C) prior to entering into missile defense technology cooperation projects, the United States enters into a Defense Technology Cooperation Agreement with Russia that establishes the legal framework for a broad spectrum of potential cooperative defense projects; and

(D) such cooperation does not limit the missile defense capabilities of the United States or its North Atlantic Treaty Organization allies.

SEC. 234. NEXT GENERATION EXO-ATMOSPHERIC KILL VEHICLE.

(a) PLAN FOR NEXT GENERATION KILL VEHICLE.—The Director of the Missile Defense Agency shall develop a long-term plan for the Exo-atmospheric Kill Vehicle (EKV) that addresses both modifications and enhancements to the current Exo-atmospheric Kill Vehicle and options for the competitive development of a next generation Exo-atmospheric Kill Vehicle for the Ground-Based Interceptor (GBI) of the Ground-based Midcourse Defense (GMD) system and any other interceptor that might be developed for the defense of the United States against long-range ballistic missiles.

(b) DEFINITION OF PARAMETERS AND CAPABILITIES.—

(1) ASSESSMENT REQUIRED.—The Director shall define the desired technical parameters and performance capabilities for a next generation Exo-atmospheric Kill Vehicle using an assessment conducted by the Director for that purpose that is designed to ensure that a next generation Exo-atmospheric Kill Vehicle design—

(A) enables ease of manufacturing, high tolerances to production processes and supply chain variability, and inherent reliability;

(B) will be optimized to take advantage of the Ballistic Missile Defense System architecture and sensor system capabilities;

(C) leverages all relevant kill vehicle development activities and technologies, including from the current Standard Missile-3 Block IIB (SM–3 IIB) program and the previous Multiple Kill Vehicle technology development program;

(D) seeks to maximize, to the greatest extent practicable, commonality between subsystems of a next generation Exo-atmospheric Kill Vehicle and other exo-atmospheric kill vehicle programs; and

(E) meets Department of Defense criteria, as established in the February 2010 Ballistic Missile Defense Review, for affordability, reliability, suitability, and operational effectiveness to defend against limited attacks from evolving and future threats from long-range missiles.

(2) EVALUATION OF PAYLOADS.—The assessment required by paragraph (1) shall include an evaluation of the potential benefits and drawbacks of options for both unitary and multiple Exo-atmospheric Kill Vehicle payloads.

(3) STANDARD MISSILE-3 BLOCK IIB INTERCEPTOR.—As part of the assessment required by paragraph (1), the Director shall evaluate whether there are potential options and opportunities arising from the Standard Missile-3 Block IIB interceptor development program for development of an exo-atmospheric kill vehicle, or kill vehicle technologies or components, that could be used for potential upgrades to the Ground-Based Interceptor or for a next generation Exo-atmospheric Kill Vehicle.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report setting forth the plan developed under subsection (a), including the results of the assessment under subsection (b), and an estimate of the cost and schedule of implementing the plan.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 235. MODERNIZATION OF THE PATRIOT AIR AND MISSILE DEFENSE SYSTEM.

(a) PLAN FOR MODERNIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a prioritized plan for support of the long-term requirements in connection with the modernization of the Patriot air and missile defense system.

(b) ADDITIONAL ELEMENTS.—The report required by subsection (a) shall also set forth the following:

(1) An assessment of the integrated air and missile defense capabilities required to meet the demands of evolving and emerging threats.

(2) A plan for the introduction of changes to the Patriot air and missile defense system program to achieve reductions in the life-cycle cost of the Patriot air and missile defense system.

SEC. 236. MEDIUM EXTENDED AIR DEFENSE SYSTEM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended for the Medium Extended Air Defense System (MEADS).

SEC. 237. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the amounts authorized to be appropriated for fiscal year 2013 by section 201 for research, development, test, and evaluation, Defense-wide, and available for the Missile Defense Agency, $210,000,000 may be provided to the Government of Israel for the Iron Dome short-range rocket defense program as specified in the funding table in section 4201.

SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.

The Secretary of Defense may, in a manner consistent with the obligations of the United States under international agreements—

(1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and

(3) preserve intercontinental ballistic missile silos in operational or warm status.

SEC. 239. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1340) requires a homeland defense hedging policy and strategy report from the Secretary of Defense.

(2) The report was required to be submitted not later than 75 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, namely by March 16, 2012.

(3) The Secretary of Defense has not yet submitted the report as required.

(4) In March 2012, General Charles Jacoby, Jr., Commander of the United States Northern Command, the combatant command responsible for operation of the Ground-based Midcourse Defense system to defend the homeland against ballistic missile threats, testified before Congress that ''I am confident in my ability to successfully defend the homeland from the current set of limited long-range ballistic missile threats'', and that ''[a]gainst current threats from the Middle East, I am confident we are well postured''.

(5) Phase 4 of the European Phased Adaptive Approach (EPAA) is intended to augment the currently deployed homeland defense capability of the Ground-based Midcourse Defense system against a potential future Iranian long-range missile threat by deploying an additional layer of forward-deployed interceptors in Europe in the 2020 timeframe.

(6) The Director of National Intelligence, James Clapper, has testified to Congress that, although the intelligence community does ''not know if Iran will eventually decide to build nuclear weapons'', it judges ''that Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon''. He also testified that ''Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload''.

(7) The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, ''Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submunitions payloads'', and that it continues to develop missiles that can strike Israel and Eastern Europe. It also states that ''Iran has launched multistage space launch vehicles that could serve as a testbed for developing long-range ballistic missiles technologies'', and that ''[w]ith sufficient foreign assistance, Iran may be technically capable of flight-testing an intercontinental ballistic missile by 2015''.

(8) Despite the failure of its April 2012 satellite launch attempt, North Korea warned the United States in October 2012 that the United States mainland is within range of its missiles.

(9) The threat of limited ballistic missile attack against the United States homeland from countries such as North Korea and Iran is increasing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of section 233 of the National Defense Authorization Act for Fiscal Year 2012 by submitting the homeland defense hedging policy and strategy report to Congress.

Subtitle D—Reports

SEC. 251. MISSION PACKAGES FOR THE LITTORAL COMBAT SHIP.

(a) REPORT REQUIRED.—Not later than March 1, 2013, the Secretary of the Navy shall, in consultation with the Director of Operational Test and Evaluation, submit to the congressional defense committees a report on the mine countermeasures warfare (MCM), antisubmarine warfare (ASW), and surface warfare (SUW) Mission Packages for the Littoral Combat Ship.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A plan for the Mission Packages demonstrating that Preliminary Design Review for every capability increment precedes Milestone B or equivalent approval for that increment.

(2) A plan for demonstrating that the capability increment for each Mission Package, combined with a Littoral Combat Ship, on the basis of a Preliminary Design Review and post-Preliminary Design Review assessment, will achieve the capability specified for that increment.

(3) A plan for demonstrating the survivability and lethality of the Littoral Combat Ship with its Mission Packages sufficiently early in the development phase of the system to minimize costs of concurrency.

SEC. 252. COMPTROLLER GENERAL OF THE UNITED STATES ANNUAL REPORTS ON THE ACQUISITION PROGRAM FOR THE AMPHIBIOUS COMBAT VEHICLE.

(a) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall conduct on an annual basis a review of the acquisition program for the Amphibious Combat Vehicle (ACV).

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2013, the Comptroller General shall submit to the congressional defense committees a report on the review of the acquisition program for the Amphibious Combat Vehicle conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the acquisition program for the Amphibious Combat Vehicle shall include, to the extent appropriate and feasible, the following:

(A) An assessment of the extent to which the program is meeting development and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the Amphibious Combat Vehicle, an assessment of the progress and results of—

(i) developmental and operational testing of the vehicle; and

(ii) plans for correcting deficiencies in vehicle performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance in connection with the Amphibious Combat Vehicle.

(D) An assessment of the acquisition strategy for the Amphibious Combat Vehicle, including whether the strategy complies with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the Amphibious Combat Vehicle as it relates to—

(i) the probability of success;

(ii) the funding required for the vehicle in comparison with the funding programmed for the vehicle; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION IN FIRST REPORT.—In submitting to the congressional defense committees the first report under paragraph (1), the Comptroller General shall include, with respect to the Amphibious Combat Vehicle program, an assessment of the sufficiency and objectivity of the following documents:

(A) The analysis of alternatives.

(B) The initial capabilities document.

(C) The capability development document.

(4) INFORMATION IN SUBSEQUENT REPORTS.—

(A) CERTAIN INFORMATION REQUIRED ONLY FOLLOWING SIGNIFICANT CHANGES.—A report under this subsection after the first report under paragraph (1) shall address the matters identified in subparagraphs (C), (D), and (E) of paragraph (2) only to the extent that the Comptroller General determines that there have been significant changes to the applicable plans, strategies, or schedules since the last report under this subsection addressing such matters.

(B) ADDITIONAL INFORMATION AFTER APPROVAL OR CHANGE OF DOCUMENTS.—If any document specified in paragraph (3) is approved or changed after the first report under paragraph (1), the Comptroller General shall provide an assessment of the sufficiency and objectivity of that document in the report to the congressional defense committees under paragraph (1) submitted immediately following such approval or change.

(5) TERMINATION.—No report is required under this subsection after the first report following the award of a contract for full rate production of the Amphibious Combat Vehicle.

SEC. 253. CONDITIONAL REQUIREMENT FOR REPORT ON AMPHIBIOUS ASSAULT VEHICLES FOR THE MARINE CORPS.

(a) IN GENERAL.—If the ongoing Marine Corps ground combat vehicle fleet mix study recommends the acquisition of a separate Marine Personnel Carrier, the Secretary of the Navy and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report that includes the following:

(1) A detailed description of the capability gaps that Marine Personnel Carriers are intended to mitigate and the capabilities that the Marine Personnel Carrier will be required to have to mitigate such gaps, and an assessment whether, and to what extent, Amphibious Combat Vehicles could mitigate such gaps.

(2) A detailed explanation of the role of the Marine Personnel Carriers in fulfilling the forcible entry requirement for the two Marine Expeditionary Brigades (MEBs) that make up the assault echelons of the three Marine Expeditionary Brigade force required to meet applicable war plans of the combatant commands.

(3) A description of the fraction of the assault echelon of the brigades referred to in paragraph (2) that would be comprised of Marine Personnel Carriers.

(4) An assessment of the direct operational risk associated with using ship-to-shore connectors to deliver Marine Personnel Carriers to shore in an amphibious assault.

(5) An assessment of the indirect operational risk associated with using ship-to-shore connectors to deliver Marine Personnel Carriers rather than tanks and artillery and other tactical vehicles.

(6) A comparative estimate of the acquisition and life-cycle costs of a split fleet of Amphibious Combat Vehicles and Marine Personnel Carriers with the acquisition and life-cycle costs of a pure fleet of Amphibious Combat Vehicles.

(b) SUBMITTAL DATE.—If required, the report under subsection (a) shall be submitted not later than the later of—

(1) the date that is 60 days after the date of the completion of the study referred to in subsection (a); or

(2) February 1, 2013.

Subtitle E—Other Matters

SEC. 271. TRANSFER OF ADMINISTRATION OF OCEAN RESEARCH AND RESOURCES ADVISORY PANEL FROM DEPARTMENT OF THE NAVY TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—Subsection (a) of section 7903 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting '', through the Administrator of the National Oceanic and Atmospheric Administration,'' after ''The Council'';

(B) by inserting ''and Resources'' after ''Ocean Research'';

(C) by striking ''Panel consisting'' and inserting ''Panel. The Panel shall consist''; and

(D) by striking ''chairman'' and inserting ''Administrator, on behalf of the Council'';

(2) in paragraph (1), by striking ''National Academy of Science'' and inserting ''National Academies of Science'';

(3) by striking paragraphs (2) and (3); and

(4) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(b) RESPONSIBILITIES OF PANEL.—Subsection (b) of such section is amended—

(1) by inserting '', through the Administrator of the National Oceanic and Atmospheric Administration,'' after ''The Council'';

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (1) the following new paragraphs (2) and (3):

''(2) To advise the Council on the determination of scientific priorities and needs.

''(3) To provide the Council strategic advice regarding national ocean program execution and collaboration.''.

(c) FUNDING TO SUPPORT ACTIVITIES OF PANEL.—Subsection (c) of such section is amended by striking ''Secretary of the Navy'' and inserting ''Secretary of Commerce''.

(d) CONFORMING AMENDMENT.—Section 7902(e)(1) of such title is amended by striking ''Ocean Research Advisory Panel'' and inserting ''Ocean Research and Resources Advisory Panel''.

(e) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 7903 of such title is amended to read as follows:

''§ 7903. Ocean Research and Resources Advisory Panel''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 665 of such title is amended by striking the item relating to section 7903 and inserting the following new item:

''7903. Ocean Research and Resources Advisory Panel.''.

(f) REFERENCES.—Any reference to the Ocean Research Advisory Panel in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Ocean Research and Resources Advisory Panel.

SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces, there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed Forces, and thereby reduce the overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environmental Provisions

SEC. 311. DEPARTMENT OF DEFENSE GUIDANCE ON ENVIRONMENTAL EXPOSURES AT MILITARY INSTALLATIONS.

(a) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the appropriate military departments and other defense agencies written guidance on environmental exposures at military installations. The guidance shall—

(1) set forth criteria for when and under what circumstances public health assessments by the Agency for Toxic Substances and Disease Registry shall be requested in connection with environmental contamination at military installations, including past incidents of environmental contamination;

(2) establish procedures for tracking and documenting the status and nature of responses to the findings and recommendations of the public health assessments of the Agency of Toxic Substances and Disease Registry that involve contamination at military installations; and

(3) prescribe appropriate actions with respect to the identification of military and civilian individuals who may have been exposed to contamination while living or working on military installations.

(b) REPORT.—Not later than 30 days after issuing the guidance required under subsection (a), the Secretary of Defense shall transmit a copy of the guidance to the congressional defense committees.

SEC. 312. FUNDING OF AGREEMENTS UNDER THE SIKES ACT.

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (b)—

(A) by inserting ''(1)'' before ''Funds''; and

(B) by adding at the end the following new paragraph:

''(2) In the case of a cooperative agreement under subsection (a)(2), such funds—

''(A) may be paid in a lump sum and include an amount intended to cover the future costs of the natural resource maintenance and improvement activities provided for under the agreement; and

''(B) may be placed by the recipient in an interest-bearing account, and any interest shall be applied for the same purposes as the principal.''; and

(2) by amending subsection (c) to read as follows:

''(c) AVAILABILITY OF FUNDS; AGREEMENT UNDER OTHER LAWS.—(1) Cooperative agreements and interagency agreements entered into under this section shall be subject to the availability of funds.

''(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the United States Government.''.

SEC. 313. REPORT ON PROPERTY DISPOSALS AND ADDITIONAL AUTHORITIES TO ASSIST LOCAL COMMUNITIES AROUND CLOSED MILITARY INSTALLATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any not yet completed closure of an active duty military installation since 1988 in the United States that was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The status of property described in subsection (a) that is yet to be disposed of.

(2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property.

(3) The anticipated schedule for the completion of the disposal of each such property.

(4) An estimate of the costs, and a description of additional potential future financial liability or other impacts on the Department of Defense, if the authorities provided by Congress for military installations closed under defense base closure and realignment (BRAC) are extended to military installations closed outside the defense base closure and realignment process and for which property has yet to be disposed.

(5) Such recommendations as the Secretary considers appropriate for additional authorities to assist the Department in expediting the disposal of property at closed military installations in order to facilitate economic redevelopment for local communities.

(c) MILITARY INSTALLATION DEFINED.—In this section, the term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.

Subtitle C—Logistics and Sustainment

SEC. 321. REPEAL OF CERTAIN PROVISIONS RELATING TO DEPOT-LEVEL MAINTENANCE.

(a) REPEAL.—

(1) Section 2460 of title 10, United States Code (as amended by section 321 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81)), is repealed.

(2) Section 2464 of title 10, United States Code (as amended by section 327 of the National Defense Authorization Act for Fiscal Year 2012), is repealed.

(b) REVIVAL OF SUPERSEDED PROVISIONS.—

(1) The provisions of section 2460 of title 10, United States Code, as in effect on December 30, 2011 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012), are hereby revived.

(2)(A) The provisions of section 2464 of 10, United States Code, as in effect on that date, are hereby revived.

(B) The table of sections at the beginning of chapter 146 of such title is amended by

striking the item relating to section 2464 and inserting the following new item:

''2464. Core logistics capabilities.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2366a of title 10, United States Code, is amended by striking ''core depot-level maintenance and repair capabilities'' each place it appears and inserting ''core logistics capabilities''.

(2) Section 2366b(A)(3)(F) of title 10, United States Code, is amended by striking ''core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities'' and inserting ''core logistics capabilities''.

(3) Section 801(c) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1483; 10 U.S.C. 2366a note) is amended by striking ''core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities'' and inserting ''core logistics capabilities''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 2011, the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, immediately after the enactment of that Act.

SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.''; and

(2) in subsection (b), by striking ''Logistics Center, Navy Fleet Readiness Center,'' and inserting ''Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base,''.

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking ''2013'' and inserting ''2018''; and

(2) in subsection (e), by striking ''2014'' and inserting ''2019''.

SEC. 323. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.

The Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, shall comply with the Department of Defense Instructions regarding assignment of program responsibility.

Subtitle D—Reports

SEC. 331. ANNUAL REPORT ON DEPARTMENT OF DEFENSE LONG-TERM CORROSION STRATEGY.

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting '', including available validated data on return on investment for completed corrosion projects and activities'' after ''the strategy'';

(B) in subparagraph (E), by striking ''For the fiscal year covered by the report and the preceding fiscal year'' and inserting ''For the preceding fiscal year covered by the report''; and

(C) by inserting at the end the following new subparagraph:

''(F) For the preceding fiscal year covered by the report, a breakdown of the amount of funds used for military corrosion projects, the Technical Corrosion Collaboration pilot program, and other corrosion-related activities.'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 332. MODIFIED DEADLINE FOR COMPTROLLER GENERAL REVIEW OF ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

Section 2229a(b) of title 10, United States Code, is amended by striking ''By not later than 120 days after the date on which a report is submitted under subsection (a), the Comptroller General shall review the report'' and inserting ''The Comptroller General shall review the report submitted under subsection (a)''.

Subtitle E—Other Matters

SEC. 341. SAVINGS TO BE ACHIEVED IN CIVILIAN WORKFORCE AND CONTRACTOR EMPLOYEE WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) REQUIRED SAVINGS.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall begin the implementation of an efficiencies plan for the civilian workforce and the service contractor workforce of the Department of Defense which shall achieve savings in the funding for each such workforce over the period from fiscal year 2012 through fiscal year 2017 that are not less, as a percentage of such funding, than the savings in funding for military personnel achieved by the planned reduction in military end strengths over the same period of time.

(b) EXCLUSIONS.—The funding reduction required by subsection (a) shall not include funding for the following:

(1) Civilian personnel expenses for personnel as follows:

(A) Personnel in Mission Critical Occupations, as defined by the Civilian Human Capital Strategic Plan of the Department of Defense and the Acquisition Workforce Plan of the Department of Defense.

(B) Personnel employed at facilities providing core logistics capabilities pursuant to section 2464 of title 10, United States Code.

(C) Personnel in the Offices of the Inspectors General of the Department of Defense.

(2) Service contractor expenses for personnel as follows:

(A) Personnel performing maintenance and repair of military equipment.

(B) Personnel providing medical services.

(C) Personnel performing financial audit services.

(3) Personnel expenses for personnel in the civilian personnel or service contractor workforce performing such other critical functions as may be identified by the Secretary as requiring exemption in the interest of the national defense.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report including a comprehensive description of the plan required by subsection (a).

(2) STATUS REPORTS.—Not later than 60 days after the end of each fiscal year from fiscal year 2013 through fiscal year 2017, the Secretary shall submit to the congressional defense committees a report describing the implementation of the plan during the prior fiscal year. Each such report shall include a direct comparison of the savings achieved under the plan to the savings achieved in the same fiscal year through reductions in military end strengths. In any case in which savings fall short of the annual target, the report shall include an explanation of the reasons for such shortfall.

(3) EXEMPTIONS.—Each report under paragraphs (1) and (2) shall specifically identify any exemption granted by the Secretary under subsection (b)(3) in the period of time covered by the report.

(d) LIMITATION ON TRANSFERS OF FUNCTIONS.—The Secretary shall ensure that the savings required by this section are not achieved through unjustified transfers of functions between or among the military, civilian, and service contractor workforces of the Department of Defense.

(e) SENSE OF CONGRESS.—It is the sense of Congress that an amount equal to 30 percent of the amount of the reductions in appropriated funds attributable to reduced budgets for the civilian and service contractor workforces of the Department by reason of the plan required by subsection (a) should be made available for costs of assisting military personnel separated from the Armed Forces in the transition from military service.

(f) SERVICE CONTRACTOR WORKFORCE DEFINED.—In this section, the term ''service contractor workforce'' means contractor employees performing contract services, as defined in section 2330(c)(2) of title 10, United States Code, other than contract services that are funded out of amounts available for overseas contingency operations.

SEC. 342. NATO SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350n. NATO Special Operations Headquarters

''(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2013 and for subsequent fiscal years for the Department of Defense for operation and maintenance, up to $50,000,000 may be used for a fiscal year for the purposes set forth in subsection (b) for support of operations of the North Atlantic Treaty Organization (NATO) Special Operations Headquarters.

''(b) PURPOSES.—The Secretary of Defense may provide funds for the NATO Special Operations Headquarters—

''(1) to improve coordination and cooperation between the special operations forces of NATO member countries;

''(2) to facilitate joint operations by special operations forces of NATO member countries;

''(3) to support command, control, and communications capabilities peculiar to special operations forces of NATO member countries;

''(4) to promote special operations forces intelligence and informational requirements within the NATO structure; and

''(5) to promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of multinational education and training programs.

''(c) ANNUAL REPORT.—Not later than April 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report regarding Department of Defense support for the NATO Special Operations Headquarters. Each report shall include the following:

''(1) The total amount of funding provided to the NATO Special Operations Headquarters.

''(2) A summary of the activities funded with such support.

''(3) Other contributions, financial or in kind, provided in support of the NATO Special Operations Headquarters by other NATO member countries.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2350m the following new item:

''2350n. NATO Special Operations Headquarters.''.

SEC. 343. REPEAL OF REDUNDANT AUTHORITY TO ENSURE INTEROPERABILITY OF LAW ENFORCEMENT AND EMERGENCY RESPONDER TRAINING.

Section 372 of title 10, United States Code, is amended—

(1) by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).

SEC. 344. SENSE OF THE CONGRESS ON NAVY FLEET REQUIREMENTS.

It is the sense of Congress that—

(1) The Secretary of the Navy, in supporting the operational requirements of the combatant commands, should maintain in the operational capability of and perform the necessary maintenance on each cruiser and dock landing ship belonging to the Navy;

(2) for retirements of ships owned by the Navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional Defense Committees how the retention of each ship would degrade the overall readiness of the fleet and endanger United States National Security and the objectives of the combatant commanders; and

(3) revitalizing the Navy's 30-year shipbuilding plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help close the gap between requirements and the current size of the fleet.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2013, as follows:

(1) The Army, 552,100.

(2) The Navy, 322,700.

(3) The Marine Corps, 197,300.

(4) The Air Force, 329,597.

SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.

(a) ADDITIONAL PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan which shall increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.

(2) PURPOSE.—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an increase in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in light of threats to United States personnel and property by terrorists.

(b) CONSULTATION.—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) FUNDING.—

(1) BUDGET REQUESTS.—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements, under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:

(A) The Marine Corps.

(B) The Marine Corps Security Guard Program, including for the additional personnel under the Marine Corps Security Guard Program as result of the plan required by subsection (a).

(2) PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.—In determining the amounts to be requested for a fiscal year for the Marine Corps Security Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.

(d) REPORTS.—

(1) REPORTS ON PROGRAM.—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:

(A) A description of the expanded security support provided by Marine Corps Security Guards to the Department of State during the fiscal year ending on the date of such report, including—

(i) any increased internal security provided at United States embassies and consulates throughout the world;

(ii) any increased support for emergency action planning, training, and advising of host nation security forces; and

(iii) any expansion of intelligence collection activities.

(B) A description of the current status of Marine Corps personnel assigned to the Program as a result of the plan required by subsection (a).

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program, including total end strength and key supporting programs that enable both its current and expanded mission during such fiscal year.

(D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel, and a description and assessment of options to improve the Program to respond to such threats.

(E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.

(2) REPORT ON CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates and other diplomatic facilities abroad, the President shall—

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2013, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 62,500.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,435.

(6) The Air Force Reserve, 72,428.

(7) The Coast Guard Reserve, 9,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2013, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,277.

(3) The Navy Reserve, 10,114.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,871.

(6) The Air Force Reserve, 2,888.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2013 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,445.

(2) For the Army National Guard of the United States, 28,380.

(3) For the Air Force Reserve, 10,716.

(4) For the Air National Guard of the United States, 22,313.

SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2013, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2013, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2013, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2013, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2013.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Policy

SEC. 501. EXTENSION OF RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGES.

Section 638a(d)(2) of title 10 United States Code, is amended in subparagraphs (A) and (B) by striking ''except that during the period beginning on October 1, 2006, and ending on December 31, 2012,'' and inserting ''except that through December 31, 2018,''.

SEC. 502. EXCEPTION TO 30-YEAR RETIREMENT FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W–5.

(a) EXCEPTION TO STATUTORY 30-YEAR RETIREMENT.—Paragraph (1) of section 1305(a) of title 10, United States Code, is amended—

(1) by inserting ''or a regular Navy warrant officer in the grade of chief warrant officer, W–5, exempted under paragraph (3)'' after ''Army warrant officer''; and

(2) by striking ''he'' and inserting ''the officer''.

(b) MODIFICATION OF STATUTORY RETIREMENT FROM 30 TO 33 YEARS.—Such section is further amended by adding at the end the following new paragraph:

''(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W–5, the officer shall be retired 60 days after the date on which the officer completes 33 years of total active service.''.

SEC. 503. MODIFICATION OF DEFINITION OF JOINT DUTY ASSIGNMENT TO INCLUDE ALL INSTRUCTOR ASSIGNMENTS FOR JOINT TRAINING AND EDUCATION.

Section 668(b)(1)(B) of title 10, United States Code, is amended by striking ''assignments for joint'' and all that follows through ''Phase II'' and inserting ''student assignments for joint training and education''.

SEC. 504. SENSE OF SENATE ON INCLUSION OF ASSIGNMENTS AS ACADEMIC INSTRUCTOR AT THE MILITARY SERVICE ACADEMIES AS JOINT DUTY ASSIGNMENTS.

It is the sense of the Senate that the Secretary of Defense should include assignments in which military officers are assigned as instructors responsible for preparing and presenting academic courses on the faculty of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy as joint duty assignments.

Subtitle B—Reserve Component Management

SEC. 511. AUTHORITY FOR APPOINTMENT OF PERSONS WHO ARE LAWFUL PERMANENT RESIDENTS AS OFFICERS OF THE NATIONAL GUARD.

Section 313(b)(1) of title 32, United States Code, is amended by inserting ''or an alien lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C.1101(a)(20))'' before the semicolon.

SEC. 512. RESERVE COMPONENT SUICIDE PREVENTION AND RESILIENCE PROGRAM.

(a) CODIFICATION, TRANSFER OF RESPONSIBILITY, AND EXTENSION.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10219. Suicide prevention and resilience program

''(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall carry out a program to provide members of the National Guard and Reserves and their families with training in suicide prevention, resilience, and community healing and response to suicide.

''(b) SUICIDE PREVENTION TRAINING.—Under the program, the Secretary shall provide members of the National Guard and Reserves with training in suicide prevention. Such training may include—

''(1) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

''(2) examining the influence of military culture on risk and protective factors for suicide; and

''(3) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

''(c) COMMUNITY RESPONSE TRAINING.—Under the program, the Secretary shall provide the families and communities of members of the National Guard and Reserves with training in responses to suicide that promote individual and community healing. Such training may include—

''(1) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

''(2) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

''(3) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

''(4) managing resources to assist key community and military service providers in helping the families, friends, and fellow servicemembers of a suicide victim through the processes of grieving and healing.

''(d) COMMUNITY TRAINING ASSISTANCE.—The program shall include the provision of assistance with such training to the local communities of those servicemembers and families, to be provided in coordination with local community programs.

''(e) COLLABORATION.—In carrying out the program, the Secretary shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

''(f) TERMINATION.—The program under this section shall terminate on October 1, 2015.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by adding at the end the following new item:

''10219. Suicide prevention and resilience program.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Subsection (i) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is repealed.

SEC. 513. REPORT ON MECHANISMS TO EASE THE REINTEGRATION INTO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES FOLLOWING A DEPLOYMENT ON ACTIVE DUTY.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces, including whether permitting such members to remain on active duty for a limited period after such deployment (often referred to as a ''soft landing'') is feasible and advisable for facilitating and easing that reintegration.

(b) ELEMENTS.—

(1) IN GENERAL.—The study required by subsection (a) shall address the unique challenges members of the National Guard and the Reserves face when reintegrating into civilian life following a deployment on active duty in the Armed Forces and the adequacy of the policies, programs, and activities of the Department of Defense to assist such members in meeting such challenges.

(2) PARTICULAR ELEMENTS.—The study shall take into consideration the following:

(A) Disparities in reintegration after deployment between members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces, including—

(i) disparities in access to services, including, but not limited to, health care, mental health counseling, job counseling, and family counseling;

(ii) disparities in amounts of compensated time provided to take care of personal affairs;

(iii) disparities in amounts of time required to properly access services and to take care of personal affairs, including travel time; and

(iv) disparities in costs of uncompensated events or requirements, including, but not limited to, travel costs and legal fees.

(B) Disparities in reintegration policies and practices among the various Armed Forces and between the regular and reserve components of the Armed Forces.

(C) Disparities in the lengths of time of deployment between the regular and reserve components of the Armed Forces.

(D) Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover from combat and training stress.

(E) Other applicable studies on reintegration policies and practices, including the recommendations made by such studies.

(F) Appropriate recommendations for the elements of a program to assist members of

the National Guard and the Reserves following a deployment on active duty in the Armed Forces in reintegrating into civilian life, including means of ensuring that the program applies uniformly across the Armed Forces and between the regular components and reserve components of the Armed Forces.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

Subtitle C—General Service Authorities

SEC. 521. DIVERSITY IN THE ARMED FORCES AND RELATED REPORTING REQUIREMENTS.

(a) PLAN TO ACHIEVE DIVERSITY IN THE ARMED FORCES.—The Secretary of Defense shall develop and implement a plan to accurately measure the efforts of the Department of Defense to achieve the goal of having a dynamic and sustainable 20–30 year pipeline that yields a diverse officer and enlisted corps for the Armed Forces that reflects the population of the United States eligible to serve in the Armed Forces across all the Armed Forces, and all grades of each Armed Force, that is able to prevail in its wars, prevent and deter conflicts, defeat adversaries and succeed in a wide-range of contingencies, and preserve and enhance the all volunteer force. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary shall continue to account for diversified language and cultural skills among the total force of the military.

(b) METRICS TO MEASURE PROGRESS IN DEVELOPING AND IMPLEMENTING PLAN.—In developing and implementing the plan under subsection (a), the Secretary of Defense shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

(1) to accurately capture the inclusion and capability aspects of the armed forces broader diversity plans, including race, ethnic, and gender specific groups, functional expertise, and diversified cultural and language skills so as to leverage and improve readiness; and

(2) to be verifiable and systematically linked to strategic plans that will drive improvements.

(c) DEFINITION OF DIVERSITY.—In developing and implementing the plan under subsection (a), each Secretary of a military department shall, in consultation with the Secretary of Defense, develop a definition of diversity that is reflective of the culture, mission, and core values of each Armed Force under the jurisdiction of such Secretary.

(d) CONSULTATION.—Not less than annually, the Secretary of Defense shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, and senior enlisted members of the Armed Forces to discuss the progress being made toward developing and implementing the plan established under subsection (a).

(e) REPORTS ON IMPLEMENTATION OF PLAN.—Not later than July 1, 2013, and biennially thereafter through July 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) The progress made in implementing the plan required by subsection (a) to accurately measure the efforts of the Department of Defense to achieve its diversity goals.

(2) The number of members of the Armed Forces, including reserve components, listed by sex and race or ethnicity for each grade under each military department.

(3) The number of members of the Armed Forces, including reserve components, who were promoted during the years covered by the report, listed by sex and race or ethnicity for each grade under each military department.

(4) The number of members of the Armed Forces, including reserve components, who reenlisted or otherwise extended the commitment to military service during the years covered by the report, listed by sex and race or ethnicity for each grade under each military department.

(5) The available pool of qualified candidates for the general officer grades of general and lieutenant general and the flag officer grades of admiral and vice admiral.

(f) APPLICABILITY TO COAST GUARD.—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same schedule, and subject to the same conditions as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regarding the Coast Guard when it is not operating as a service in the Navy.

SEC. 522. MODIFICATION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) EXTENSION OF PROGRAMS TO CERTAIN ACTIVE GUARD AND RESERVE PERSONNEL.—Section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is amended—

(1) in subsection (a)(1), by inserting ''and members on active Guard and Reserve duty'' after ''officers and enlisted members of the regular components'';

(2) by redesignating subsection (l) as subsection (m); and

(3) by inserting after subsection (k) the following new subsection (l)

''(l) DEFINITION.—In this section, the term 'active Guard and Reserve duty' has the meaning given that term in section 101(d)(6) of title 10, United States Code.''.

(b) AUTHORITY TO CARRY FORWARD UNUSED ACCRUED LEAVE.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

''(5) LEAVE.—A member who participates in a pilot program is entitled to carry forward the existing leave balance accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.''.

(c) AUTHORITY FOR DISABILITY PROCESSING.—Subsection (j) of such section is amended—

(1) by striking ''for purposes of the entitlement'' and inserting ''for purposes of—

''(1) the entitlement'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of title 10, United States Code.''.

SEC. 523. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMINATIONS FOR POST-TRAUMATIC STRESS DISORDER.

Section 1177(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''or psychiatrist'' and inserting ''psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner''; and

(2) in paragraph (3), by striking ''or psychiatrist'' and inserting '', psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner''.

SEC. 524. QUARTERLY REPORTS ON INVOLUNTARY SEPARATION OF MEMBERS OF THE ARMED FORCES.

(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the end of each calendar year quarter in 2013 and 2014, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the number of members of the regular components of the Armed Forces under the jurisdiction of such Secretary who were involuntarily separated from active duty in the Armed Forces during such calendar year quarter.

(b) ELEMENTS.—Each report on an Armed Force for a calendar year quarter under subsection (a) shall set forth the following:

(1) The total number members involuntarily separated.

(2) The number of members separated set forth by grade.

(3) The number of members separated set forth by total years of service in the Armed Forces at the time of separation.

(4) The number of members separated set forth by military occupational specialty or rating, or competitive category for officers.

(5) The number of members separated who received involuntary separation pay, or who are authorized to receive temporary retired pay, in connection with separation.

(6) The number of members who completed transition assistance programs relating to future employment.

(7) The average number of months deployed to overseas contingency operations set forth by grade.

SEC. 525. REVIEW OF ELIGIBILITY OF VICTIMS OF DOMESTIC TERRORISM FOR AWARD OF THE PURPLE HEART AND THE DEFENSE MEDAL OF FREEDOM.

(a) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall, in coordination with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

(1) the advisability of modifying the criteria for the award of the Purple Heart to provide for the award of the Purple Heart to members of the Armed Forces who are killed or wounded in a terrorist attack within the United States that is determined to be inspired by ideological, political, or religious beliefs that give rise to terrorism; and

(2) the advisability of modifying the criteria for the award of the Defense Medal of Freedom to provide for the award of the Defense Medal of Freedom to civilian employees of the United States who are killed or wounded in a terrorist attack within the United States that is determined to be inspired by ideological, political, or religious beliefs that give rise to terrorism.

(b) DETERMINATION.—As part of the review undertaken to prepare the report required by subsection (a), the Secretary of Defense shall conduct a review of each death or wounding of a member of the Armed Forces or civilian employee of the United States Government that occurred within the United States since September 11, 2001, that could meet the criteria as being the result of a terrorist attack

within the United States in order to determine whether such death or wounding qualifies or potentially would qualify for the award of the Purple Heart or the Defense Medal of Freedom.

(c) CONSIDERATIONS.—In conducting the review to prepare the report required by subsection (a), the Secretary of Defense shall take into consideration the following:

(1) The views of veterans service organizations, including the Military Order of the Purple Heart.

(2) The importance that has been assigned to determining all available facts before a decision is made to award the Purple Heart.

(3) Potential effects of an award on the ability to prosecute perpetrators of terrorist acts in military or civilian courts.

(4) The views of the Chairman of the Joint Chiefs of Staff.

SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRY-OVER FOR MEMBERS OF THE ARMED FORCES.

Section 701(d) of title 10, United States Code, is amended by striking ''September 30, 2013'' and inserting ''September 30, 2015''.

SEC. 527. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE.

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

(1) Rape.

(2) Sexual abuse.

(3) Sexual assault.

(4) Incest.

(5) Any other sexual offense.

SEC. 528. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.

(a) RESEARCH STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a research program on resilience in members of the Army.

(2) PURPOSE.—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) ELEMENTS.—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) SCIENCE-BASED EVIDENCE AND TECHNIQUES.—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) LOCATIONS.—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) TRAINING.—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior.

(d) PERIOD.—The Secretary shall carry out the research study through September 30, 2014.

(e) REPORTS.—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

Subtitle D—Military Justice and Legal Matters Generally

SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) APPOINTMENT BY THE PRESIDENT AND PERMANENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—Subsection (a) of section 5046 of title 10, United States Code, is amended—

(1) in the first sentence, by striking ''detailed'' and inserting ''appointed by the President, by and with the advice and consent of the Senate,''; and

(2) in the second sentence—

(A) by striking ''The'' and inserting ''If an officer appointed as the''; and

(B) by striking '', while so serving, has the grade'' and inserting ''holds a lower grade, the officer shall be appointed in the grade''.

(b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direction of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

''(1) perform duties relating to legal matters arising in the Marine Corps as may be assigned to the Staff Judge Advocate;

''(2) perform the functions and duties and exercise the powers prescribed for the Staff Judge Advocate to the Commandant of the Marine Corps in chapter 47 of this title (the Uniform Code of Military Justice) and chapter 53 of this title; and

''(3) perform such other duties as may be assigned to the Staff Judge Advocate.''.

(c) COMPOSITION OF HEADQUARTERS, MARINE CORPS.—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) The Staff Judge Advocate to the Commandant of the Marine Corps.''.

(d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

(1) ADMINISTRATION OF MILITARY JUSTICE.—Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended in the third sentence by striking ''The Judge Advocate General'' and all that follows through ''shall'' and inserting ''The Judge Advocates General, and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps, or senior members of their staffs, shall''.

(2) DELIVERY OF LEGAL ASSISTANCE.—Section 1044(b) of such title is amended by inserting ''and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps'' after ''title)''.

SEC. 532. ADDITIONAL INFORMATION IN REPORTS ON ANNUAL SURVEYS OF THE COMMITTEE ON THE UNIFORM CODE OF MILITARY JUSTICE.

Subsection (c)(2) of section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) Information from the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the following:

''(i) The appellate review process, including—

''(I) information on compliance with processing time goals;

''(II) discussions of the circumstances surrounding cases in which general court-martial or special court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review or otherwise remitted due to loss of records of trial or other administrative deficiencies; and

''(III) discussions of cases in which a provision of this chapter is held unconstitutional.

''(ii) Developments in appellate case law relating to courts-martial involving allegations of sexual misconduct under this chapter.

''(iii) Issues associated with implementing recent, legislatively directed changes to this chapter or the Manual for Courts-Martial.

''(iv) Measures implemented by each armed force to ensure the ability of judge advocates to competently participate as trial and defense counsel in, and preside as military judges over, capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

''(v) The independent views of the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the sufficiency of resources available within their respective armed forces, including manpower, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.''.

Subtitle E—Sexual Assault, Hazing, and Related Matters

SEC. 541. AUTHORITY TO RETAIN OR RECALL TO ACTIVE DUTY RESERVE COMPONENT MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12323. Active duty for response to sexual assault

''(a) CONTINUATION ON ACTIVE DUTY.—In the case of a member of a reserve component who is the alleged victim of sexual assault committed while on active duty and who is expected to be released from active duty before the determination of whether the member was assaulted while in the line of duty, the Secretary concerned may, upon the request of the member, order the member to be retained on active duty until the line of duty

determination. A member eligible for continuation on active duty under this subsection shall be informed as soon as practicable after the alleged assault of the option to request continuation on active duty under this subsection.

''(b) RETURN TO ACTIVE DUTY.—In the case of a member of a reserve component not on active duty who is the alleged victim of a sexual assault that occurred while the member was on active duty and when the determination whether the member was in the line of duty is not completed, the Secretary concerned may, upon the request of the member, order the member to active duty for such time as necessary to complete the line of duty determination.

''(c) REGULATIONS.—The Secretaries of the military departments shall prescribe regulations to carry out this section, subject to guidelines prescribed by the Secretary of Defense. The guidelines of the Secretary of Defense shall provide that—

''(1) a request submitted by a member described in subsection (a) or (b) to continue on active duty, or to be ordered to active duty, respectively, must be decided within 30 days from the date of the request; and

''(2) if the request is denied, the member may appeal to the first general officer or flag officer in the chain of command of the member, and in the case of such an appeal a decision on the appeal must be made within 15 days from the date of the appeal.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended adding at the end the following new item:

''12323. Active duty for response to sexual assault.''.

SEC. 542. ADDITIONAL ELEMENTS IN COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON SEXUAL ASSAULT PREVENTION AND RESPONSE.

(a) ADDITIONAL ELEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the revised comprehensive policy for the Department of Defense sexual assault prevention and response program required by section 1602 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4430; 10 U.S.C. 1561 note) to include in the policy the following:

(1) A requirement to establish within each military department, under regulations prescribed by the Secretary of Defense, an enhanced capability for the investigation, prosecution, and defense of special victim offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(2) A requirement that each military department initiate and retain for a period prescribed by the Secretary of Defense a record on the disposition of allegations of sexual assault using forms and procedures prescribed by the Secretary.

(3) A requirement that all commanders and commanding officers receive training on sexual assault prevention, response, and policies before, or shortly after, assuming command.

(4) A requirement that all new members of the Armed Forces (whether in the regular or reserve components) receive training on the Department of Defense policy on sexual assault prevention and response program during initial entry training.

(5) A requirement for military commands and units specified by the Secretary of Defense for purposes of the policy to conduct periodic climate assessments of such commands and units for purposes of preventing and responding to sexual assaults.

(6) A requirement to post and widely disseminate information about resources available to report and respond to sexual assaults, including hotline phone numbers and Internet websites available to all members of the Armed Forces.

(7) A requirement to assign responsibility to receive and investigate complaints against members of the Armed Forces and civilian personnel of the Department of Defense for the violation or failure to provide the rights of a crime victim established by section 3771 of title 18, United States Code, as applicable to such members and personnel in accordance with Department of Defense Directive 1030.1, or a successor directive, and Department of Defense Instruction 1030.2, or a successor instruction.

(8) A requirement that each Secretary of a military department establish policies that require that each member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction be processed for administrative separation from the Armed Forces, which requirement shall not be interpreted to limit or alter the authority of such Secretary to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(b) DEFINITIONS.—In this section:

(1) The term ''covered offense'' means the following:

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(B) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(C) An attempt to commit an offense specified in subparagraph (A) or (B) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(2) The term ''special victim offenses'' means offenses involving allegations of any of the following:

(A) Child abuse.

(B) Rape, sexual assault, or forcible sodomy.

(C) Domestic violence involving aggravated assault.

SEC. 543. HAZING IN THE ARMED FORCES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on hazing in such Armed Force. Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not operating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.

(b) ELEMENTS.—Each report on an Armed Force required by subsection (a) shall include the following:

(1) A discussion of the policies of the Armed Force for preventing and responding to incidents of hazing.

(2) A description of the methods implemented to track and report, including report anonymously, incidents of hazing in the Armed Force.

(3) An assessment by the Secretary submitting such report of the following:

(A) The scope of the problem of hazing in the Armed Force.

(B) The training on recognizing and preventing hazing provided members of the Armed Force.

(C) The actions taken to prevent and respond to hazing incidents in the Armed Force.

(4) A description of the additional actions, if any, the Secretary submitting such report and the Chief of Staff of the Armed Force propose to take to further address the incidence of hazing in the Armed Force.

SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) PERIOD OF RETENTION.—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11–062, entitled ''Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault'', or any successor directive or policy.

(b) PROTECTION OF CONFIDENTIALITY.—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF–SAPR–009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

SEC. 545. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

(b) COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.—

(1) COLLECTION.—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual harassment, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(A) Documentary information collected about the incident reported.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(C) Reasons for the selection of the disposition and punishments selected.

(D) Administrative actions taken, if any.

(E) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(2) RETENTION.—The Secretary of Defense shall require that—

(A) the records established pursuant to paragraph (1) be retained by the Department of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

(c) ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.—

(1) ANNUAL REPORT ON SEXUAL HARASSMENT.—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under the jurisdiction of such Secretary during the preceding year. Each Secretary of a military department shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) CONTENTS.—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).

(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

SEC. 546. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

''(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

''(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed.

''(C) The unit and location of service at which the incident occurred.

''(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

''(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

''(F) Whether alcohol was involved in the incident.

''(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.''; and

(2) by adding at the end the following new paragraphs

''(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

''(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

''(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

''(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

Subtitle F—Education and Training

SEC. 551. INCLUSION OF THE SCHOOL OF ADVANCED MILITARY STUDIES SENIOR LEVEL COURSE AS A SENIOR LEVEL SERVICE SCHOOL.

Section 2151(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(E) The Senior Level Course of the School of Advanced Military Studies of the United States Army Command and General Staff College.''.

SEC. 552. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE DEGREE PROGRAMS UNDER THE COMMUNITY COLLEGE OF THE AIR FORCE.

Section 9315(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Enlisted members of the armed forces other than the Air Force who are participating in joint-service medical training and education or serving as instructors in joint-service medical training and education.''.

SEC. 553. SUPPORT OF NAVAL ACADEMY ATHLETIC PROGRAMS.

(a) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6981. Support of athletic and physical fitness programs

''(a) AUTHORITY.—

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary of the Navy may enter into contracts and cooperative agreements with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Notwithstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Naval Academy.

''(2) LEASES.—The Secretary may enter into leases, in accordance with section 2667 of this title, or licenses with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Any such lease or license shall be deemed to satisfy the conditions of section 2667(h)(2) of this title.

''(b) USE OF NAVY PERSONAL PROPERTY BY THE ASSOCIATION.—The Secretary may allow the Association to use, at no cost, personal property of the Department of the Navy to assist the Association in supporting the athletic and physical fitness programs of the Naval Academy.

''(c) ACCEPTANCE OF SUPPORT.—

''(1) SUPPORT RECEIVED FROM THE ASSOCIATION.—Notwithstanding section 1342 of title 31, the Secretary may accept from the Association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy. For purposes of this section, employees or personnel of the Association may not be considered to be employees of the United States.

''(2) FUNDS RECEIVED FROM NCAA.—The Secretary may accept funds from the National Collegiate Athletic Association to support the athletic and physical fitness programs of the Naval Academy.

''(3) LIMITATION.—The Secretary shall ensure that contributions under this subsection do not reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

''(d) RETENTION AND USE OF FUNDS.—Notwithstanding section 2260(d) of this title, funds received under this section may be retained for use in support of the Naval Academy athletic program and shall remain available until expended.

''(e) TRADEMARKS AND SERVICE MARKS.—

''(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a)(1) may, consistent with sections 2260 (other than subsection (d)) and 5022(b)(3) of this title, authorize the Association to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Naval Academy, subject to the approval of the Department of the Navy.

''(2) LIMITATIONS.—No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

''(f) SERVICE ON ASSOCIATION BOARD OF CONTROL.—The Association is a designated entity for which authorization under sections 1033(a) and 1589(a) of this title may be provided.

''(g) CONDITIONS.—The authority provided in this section with respect to the Association is available only so long as the Association continues to—

''(1) qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the Association; and

''(2) operate exclusively to support the athletic and physical fitness programs of the Naval Academy.

''(h) ASSOCIATION DEFINED.—In this section, the term 'Association' means the Naval Academy Athletic Association.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

''6981. Support of athletic and physical fitness programs.''.

SEC. 554. GRADE OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ''Each medical student shall be appointed as a regular officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the regular grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades.''; and

(2) in paragraph (2), by striking ''grade of second lieutenant or ensign'' and inserting ''grade in which the member is serving under paragraph (1)''.

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2121(c) of such title is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ''Each person so commissioned shall be appointed as a reserve officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the reserve grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades for a period of 45 days during each year of participation in the program.''; and

(2) in paragraph (2), by striking ''grade of second lieutenant or ensign'' and inserting ''grade in which the member is serving under paragraph (1)''.

(c) OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.—Subsection (e) of section 2004a of such title is amended—

(1) in the subsection heading, by striking ''APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE'' and inserting ''SERVICE ON ACTIVE DUTY''; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) A commissioned officer detailed under subsection (a) shall serve on active duty, subject to the limitations on grade specified in section 2114(b)(1) of this title and with the entitlement to basic pay as specified in section 2114(b)(2) of this title.''.

SEC. 555. AUTHORITY FOR SERVICE COMMITMENT FOR RESERVISTS WHO ACCEPT FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS TO BE PERFORMED IN THE SELECTED RESERVE.

(a) IN GENERAL.—Subsection (b) of section 2603 of title 10, United States Code, is amended by striking ''on active duty'' and all that follows and inserting the following: ''as follows:

''(1) On active duty for a period at least three times the length of the period of the education or training.

''(2) In the case of a member of the Selected Reserve—

''(A) on active duty in accordance with paragraph (1); or

''(B) in the Selected Reserve for a period at least five times the length of the period of the education or training.''.

(b) TECHNICAL AMENDMENTS.—Such section is further amended by striking ''Armed Forces'' each place it appears and inserting ''armed forces''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to agreements entered into under section 2603(b) of title 10, United States Code, after the date of the enactment of this Act.

SEC. 556. REPEAL OF REQUIREMENT FOR ELIGIBILITY FOR IN-STATE TUITION OF AT LEAST 50 PERCENT OF PARTICIPANTS IN SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2107(c)(1) of title 10, United States Code, is amended by striking the third sentence.

SEC. 557. MODIFICATION OF REQUIREMENTS ON PLAN TO INCREASE THE NUMBER OF UNITS OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) NUMBER OF UNITS COVERED BY PLAN.—Subsection (a) of section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4466) is amended by striking ''not less than 3,700 units'' and inserting ''not less than 3,000, and not more than 3,700, units''.

(b) ADDITIONAL EXCEPTION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) if the Secretaries of the military departments determine that the level of support of all kinds (including, but not limited to, appropriated funds) provided to youth development programs within the Armed Forces is consistent with funding limitations and the achievement of the objectives of such programs.''.

(c) SUBMITTAL OF REPORTS.—Subsection (e) of such section is amended by striking ''not later than'' and all that follows and inserting ''annually through 2012, and thereafter not later than March 31 of each of 2015, 2018, and 2020.''.

SEC. 558. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL INSTITUTIONS NOT MAINTAINING UNITS OF THE JUNIOR ROTC.

(a) CONSOLIDATION OF AUTHORITY.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2552 the following new section:

''§ 2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior Reserve Officers' Training Corps

''The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers' Training Corps is maintained if the educational institution—

''(1) offers a course in military instruction prescribed by that Secretary; and

''(2) has a student body of at least 50 students who are in a grade above the eighth grade.''.

(b) CONFORMING REPEALS.—Sections 4651, 7911, and 9651 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 152 of such title is amended by inserting after the item relating to section 2552 the following new item:

''2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior Reserve Officers' Training Corps''.

(2) The table of sections at the beginning of chapter 441 of such title is amended by striking the item relating to section 4651.

(3) The table of sections at the beginning of chapter 667 of such title is amended by striking the item relating to section 7911.

(4) The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9651.

SEC. 559. MODIFICATION OF REQUIREMENT FOR REPORTS IN FEDERAL REGISTER ON INSTITUTIONS OF HIGHER EDUCATION INELIGIBLE FOR CONTRACTS AND GRANTS FOR DENIAL OF ROTC OR MILITARY RECRUITER ACCESS TO CAMPUS.

Section 983 of title 10, United States Code, is amended by striking subsection (f).

SEC. 560. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE RESERVE OFFICERS' TRAINING CORPS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General regarding the following:

(1) Whether the Reserve Officers' Training Corps (ROTC) programs of the Departments of the Army, the Navy, and the Air Force are effectively meeting, and structured to meet, current and projected requirements for newly commissioned officers in the Armed Forces.

(2) The cost-effectiveness and unit productivity of the current Reserve Officers' Training Corps programs.

(3) The adequacy of current oversight and criteria for unit closure for the Reserve Officers' Training Corps programs.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) A list of the units of the Reserve Officers' Training Corps programs by Armed Force, and by college or university, and the number of cadets and midshipman currently enrolled by class or year group.

(2) The number of officers commissioned in 2012 from the Reserve Officers' Training Corps programs, and the number projected to be commissioned over the period of the current future-years defense program under section 221 of title 10, United States Code, from each unit listed under paragraph (1).

(3) An assessment of the requirements of each Armed Force for newly commissioned officers in 2012 and the strategic planning regarding such requirements over the period of the current future-years defense program.

(4) The number of military and civilian personnel of the Department of Defense assigned to lead and manage Reserve Officers' Training Corps program units, and the grades of the military personnel so assigned.

(5) An assessment of Department of Defense-wide and Armed-Force specific standards regarding the productivity of Reserve Officers' Training Corps program units, and an assessment of compliance with such standards.

(6) An assessment of the projected use by the Armed Forces of the procedures available to the Armed Forces to respond to overages in the number of cadets and midshipmen in the Reserve Officers' Training Corps programs.

(7) A description of the plans of the Armed Forces to retain or disestablish Reserve Officers' Training Corps program units that do not meet productivity standards.

SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the various Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Transcript.

SEC. 562. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.

(a) REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.—

(1) REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) REPORT.—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term ''joint professional military education research institutions'' means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term ''senior and intermediate joint professional military education colleges and universities'' means the following:

(i) The National Defense University.

(ii) The Army War College.

(iii) The Navy War College.

(iv) The Air University.

(v) The Air War College.

(vi) The Marine Corp University.

SEC. 563. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) MEMORANDUM OF AGREEMENT.—The Secretary of Defense and the Secretary of Education shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(1) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(2) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(3) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(4) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(5) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).

(b) DEFINITIONS.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210.

''(3) ELIGIBLE SCHOOL.—The term 'eligible school' means—

''(A) a public school, including a charter school, at which—

''(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

''(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

''(B) a Bureau-funded school as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

''(4) HIGH-NEED SCHOOL.—Except for purposes of section 2304(d), the term 'high-need school' means—

''(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

''(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

''(C) a school that is in a local educational agency that is eligible under section 6211(b).''.

(c) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

''(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the 'Troops-to-Teachers Program') to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.''.

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking ''6 or more years'' and inserting ''4 or more years''.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

''(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

''(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.''; and

(B) by striking subsection (f) and inserting the following:

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

''(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

''(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

''(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.''.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

SEC. 571. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2013 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 573. AMENDMENTS TO THE IMPACT AID PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Impact Aid Improvement Act of 2012''.

(b) AMENDMENTS TO THE IMPACT AID PROGRAM.—Title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002 (20 U.S.C. 7702)—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''aggregate assessed'' and inserting ''estimated taxable''; and

(ii) by striking paragraph (3) and inserting the following:

''(3) DETERMINATION OF TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.—

''(A) IN GENERAL.—In determining the estimated taxable value of such acquired Federal property for fiscal year 2010 and each succeeding fiscal year, the Secretary shall—

''(i) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of such local educational agency;

''(ii) then determine the total taxable value of the eligible Federal property by dividing the total taxable value as determined in clause (i) by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and

''(iii) multiply the per acre value as calculated under clause (ii) by the number of Federal acres eligible under this section.

''(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies, such a local educational agency may ask the Secretary to calculate the per acre value of each such local educational agency as provided under subparagraph (A) and apply the average of these per acre values to the acres of the Federal property in such agency.'';

(B) in subsection (h)—

(i) in paragraph (1)—

(I) in the paragraph heading, by striking ''FOR PRE-1995 RECIPIENTS'';

(II) in subparagraph (A), by striking ''is eligible'' and all that follows through the period at the end and inserting ''was eligible to receive a payment under this section for fiscal year 2010.''; and

(III) in subparagraph (B), by striking ''38 percent'' and all that follows through the period at the end and inserting ''90 percent of the average payment the local educational agency received in 2006, 2007, 2008, and 2009.''; and

(ii) by striking paragraphs (2) through (4) and inserting the following:

''(2) FOUNDATION PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES DETERMINED ELIGIBLE AFTER FISCAL YEAR 2010.—

''(A) FIRST YEAR.—From any amounts remaining after making payments under paragraph (1) and subsection (i)(1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subparagraph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year 2010, for the fiscal year for which such agency was determined eligible for such payment.

''(B) SECOND AND SUCCEEDING YEARS.—For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational agency's foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency's foundation payment under this paragraph for the first fiscal year.

''(C) AMOUNTS.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

''(i) Calculate the local educational agency's maximum payment under subsection (b).

''(ii) Calculate the percentage that the amount appropriated under section 8014(a) for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a payment under subsection (b) and multiply the agency's maximum payment by such percentage.

''(iii) Multiply the amount determined under clause (ii) by 90 percent.

''(3) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) or (2) or subsection (i)(1), for the fiscal year involved in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used.''; and

(C) in subsection (i)(1), by striking ''the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year involved'' and inserting ''the Secretary shall use amounts remaining after making payments under subsection (h)(1) for the fiscal year involved'';

(2) in section 8003(a)(4) (20 U.S.C. 7703(a)(4))—

(A) in the paragraph heading, by striking ''RENOVATION OR REBUILDING'' and inserting ''RENOVATION, REBUILDING, OR AUTHORIZED FOR DEMOLITION'';

(B) in subparagraph (A), by striking ''renovation or rebuilding'' both places the term appears and inserting ''renovation, rebuilding, or authorized for demolition'';

(C) in subparagraph (B)—

(i) by striking ''renovation or rebuilding'' each place the term appears and inserting ''renovation, rebuilding, or authorized for demolition''; and

(ii) in clause (i)(I), by striking ''3 fiscal years'' and inserting ''4 fiscal years (which are not required to run consecutively)''; and

(iii) in clause (ii)(I), by striking ''3 fiscal years'' and inserting ''4 fiscal years (which are not required to run consecutively)''; and

(D) by adding at the end the following:

''(C) ELIGIBLE HOUSING.—Renovation, rebuilding, or authorized for demolition shall be defined as projects considered as recapitalization, modernization, or restoration as defined by the Secretary of Defense or the Secretary of the Interior (as the case may be) and are projects that last more than 30 days, but do not include 'sustainment projects' such as painting, carpeting, or minor repairs.''; and

(3) in section 8010 (20 U.S.C. 7710)—

(A) in subsection (c)—

(i) in paragraph (1), by striking ''paragraph (3) of this subsection'' both places the term appears and inserting ''paragraph (2)''; and

(ii) in paragraph (2)(E), by striking ''under section 8003(b)'' and all that follows through the period at the end and inserting ''under this title.''; and

(B) by adding at the end the following:

''(d) TIMELY PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

''(2) PAYMENTS WITH RESPECT OF FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting 'is available to pay the agency' for 'the agency is eligible to receive' both places the term appears.''.

(c) EFFECTIVE DATE.—Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010.

SEC. 574. MILITARY SPOUSES.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

''§ 3330d. Appointment of certain military spouses

''(a) DEFINITIONS.—In this section—

''(1) the term 'active duty'—

''(A) has the meaning given that term in section 101(d)(1) of title 10;

''(B) includes full-time National Guard duty (as defined in section 101(d)(5) of title 10); and

''(C) for a member of a reserve component (as described in section 10101 of title 10), does not include training duties or attendance at a service school;

''(2) the term 'agency'—

''(A) has the meaning given the term 'Executive agency' in section 105; and

''(B) does not include the Government Accountability Office;

''(3) the term 'geographic area of the permanent duty station' means the area from which individuals reasonably can be expected to travel daily to and from work at the location of a member's permanent duty station;

''(4) the term 'permanent change of station' means the assignment, detail, or transfer of a member of the Armed Forces who is on active duty and serving at a permanent duty station under a competent authorization or order that does not—

''(A) specify the duty as temporary;

''(B) provide for assignment, detail, or transfer, after that different permanent duty station, to a further different permanent duty station; or

''(C) direct return to the initial permanent duty station;

''(5) the term 'relocating spouse of a member of the Armed Forces' means an individual who—

''(A) is married to a member of the Armed Forces (without regard to whether the individual married the member before a permanent change of station of the member) who is ordered to active duty for a period of more than 180 consecutive days;

''(B) relocates to the member's permanent duty station; and

''(C) before relocating as described in subparagraph (B), resided outside the geographic area of the permanent duty station; and

''(6) the term 'spouse of a disabled or deceased member of the Armed Forces' means an individual—

''(A) who is married to a member of the Armed Forces who—

''(i) is retired, released, or discharged from the Armed Forces; and

''(ii) on the date on which the member retires, is released, or is discharged, has a disability rating of 100 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

''(B) who—

''(i) was married to a member of the Armed Forces on the date on which the member dies while on active duty in the Armed Forces; and

''(ii) has not remarried.

''(b) AUTHORITY.—The head of an agency may appoint noncompetitively a relocating spouse of a member of the Armed Forces or a spouse of a disabled or deceased member of the Armed Forces.

''(c) RELOCATING SPOUSES.—

''(1) IN GENERAL.—An appointment of a relocating spouse of a member of the Armed Forces under this section may only be to a position the duty station for which is within the geographic area of the permanent duty station of the member of the Armed Forces, unless there is no agency with a position with a duty station within the geographic area of the permanent duty station of the member of the Armed Forces.

''(2) SINGLE APPOINTMENT PER DUTY STATION.—A relocating spouse of a member of the Armed Forces may not receive more than 1 appointment under this section for each time the spouse relocates as described in subparagraphs (B) and (C) of subsection (a)(5).''.

(b) REGULATIONS.—Not later than 180 after the date of enactment of this Act, the Director of the Office of Personnel Management shall amend section 315.612 of title 5, Code of Federal Regulations (relating to noncompetitive appointment of certain military spouses) in accordance with the amendment made by subsection (a) and promulgate or amend any other regulations necessary to carry out the amendment made by subsection (a).

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3330c the following:

''3330d. Appointment of certain military spouses.''.

SEC. 575. MODIFICATION OF AUTHORITY TO ALLOW DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO ENROLL CERTAIN STUDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(k) TUITION-FREE ENROLLMENT IN DOMESTIC DEPENDENT SCHOOLS FOR CERTAIN OVERSEAS DEPENDENTS.—Tuition-free enrollment in the domestic dependent elementary and secondary schools is authorized for dependents who are currently enrolled in the defense dependents' education school system pursuant to the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) if—

''(1) such dependents departed their overseas location due to an authorized departure or evacuation order;

''(2) the designated safe haven of such dependents is located within commuting distance of a school operated by the domestic dependent elementary and secondary schools; and

''(3) the school concerned already possesses the capacity and resources for such dependents to attend the school.

''(l) TUITION-PAYING ENROLLMENT IN VIRTUAL ELEMENTARY AND SECONDARY EDUCATION PROGRAM FOR CERTAIN DEPENDENTS TRANSITIONING FROM OVERSEAS.—Under regulations prescribed by the Secretary, tuition-paying enrollment in the virtual elementary and secondary education program of the Department for dependents of members of the armed forces on active duty is authorized when such dependents—

''(1) transition from an overseas defense dependents' education system school into a school operated by a local educational agency or another accredited educational program in the United States, and

''(2) are not otherwise eligible to enroll in a domestic dependent elementary or secondary school pursuant to subsection (a).''.

SEC. 576. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.

(a) FINDINGS.—Congress makes the following findings:

(1) The hopes and prayers of the people of the United States for the safe return of members of the Armed Forces of the United States serving overseas are often demonstrated through the proud display of yellow ribbons.

(2) The designation of a ''Yellow Ribbon Day'' would serve as an additional reminder for all people of the United States of the continued sacrifice of members of the Armed Forces.

(3) Yellow Ribbon Day would also recognize the history and meaning of the yellow ribbon as the symbol of support for members of the Armed Forces and other individuals of the United States who are serving in combat or crisis situations overseas.

(b) SENSE OF CONGRESS.—Congress supports the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces of the United States who are serving overseas apart from their families and loved ones.

SEC. 577. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs of the Department over the period covered by the report.

(4) An assessment by the Secretary of the Army of the Family Readiness Support Assistant program, and a description of any planned or anticipated changes to that program over the period covered by the report.

Subtitle H—Other Matters

SEC. 581. FAMILY BRIEFINGS CONCERNING ACCOUNTINGS FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

Section 1501(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) coordination of periodic briefing of families of missing persons about the efforts of the Department of Defense to account for those persons.''.

SEC. 582. ENHANCEMENT OF AUTHORITY TO ACCEPT GIFTS AND SERVICES.

(a) ACTIVITIES BENEFITTING EDUCATION AS SERVICES SUBJECT TO ACCEPTANCE.—Section 2601(i)(2) of title 10, United States Code, is amended by inserting ''education,'' before ''morale,''.

(b) ACCEPTANCE OF VOLUNTARY SERVICES IN CONNECTION WITH ACCOUNTING FOR MISSING PERSONS.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

''(9) Voluntary services to facilitate accounting for missing persons.''.

(c) AUTHORITY FOR COOPERATIVE AGREEMENTS FOR ACCEPTANCE BY MILITARY MUSEUMS AND EDUCATION PROGRAMS OF NONPROFIT SUPPORT.—

(1) IN GENERAL.—Chapter 155 of such title is amended by adding at the end the following new section:

''§ 2615. Military museums and military education programs: cooperative agreements for receipt of support from nonprofit entities

''The Secretary concerned may enter into a cooperative agreement (as described in section 6305 of title 31) with a nonprofit entity for purposes related to support of a military educational institution program or military museum program if a cooperative agreement is the appropriate mechanism to obtain such support under the provisions of section 6305 of title 31.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 155 of such title is amended by adding at the end the following new item:

''2615. Military museums and military education programs: cooperative agreements for receipt of support from nonprofit entities.''.

SEC. 583. CLARIFICATION OF AUTHORIZED FISHER HOUSE RESIDENTS AT THE FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE, DELAWARE.

(a) TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION.—Subsection (a) of section 2493 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''by patients'' and all that follows through ''such patients;'' and inserting ''by authorized Fisher House residents;''; and

(B) by adding after subparagraph (C) the following new flush sentence:

''The term includes the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, so long as such facility is available for residential use on a temporary basis by authorized Fisher House residents.''; and

(2) by adding at the end the following new paragraph:

''(3) The term 'authorized Fisher House residents' means the following:

''(A) With respect to a facility described in the first sentence of paragraph (1) that is located in proximity to a health care facility of the Army, the Air Force, or the Navy, the following persons:

''(i) Patients of that health care facility.

''(ii) Members of the families of such patients.

''(iii) Others providing the equivalent of familial support for such patients.

''(B) With respect to the Fisher House for Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, the following persons:

''(i) The primary next of kin of a member of the armed forces who dies while located or serving overseas.

''(ii) Other family members of the deceased member who are eligible for transportation under section 411f(e) of title 37.

''(iii) An escort of a family member described in clause (i) or (ii).''.

(b) CONFORMING AMENDMENTS.—Subsections (b), (e), (f), and (g) of such section are amended by striking ''health care'' each place it appears.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 643 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466) is repealed.

SEC. 584. REPORT ON ACCURACY OF DATA IN THE DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the completeness and accuracy of the data contained in the Defense Enrollment Eligibility Reporting System (DEERS) in order to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations and to ensure that those issued military identification cards and receiving benefits based on such data are actually eligible for such cards and benefits.

SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SERGEANT PASCHAL CONLEY TO SECOND LIEUTENANT IN THE ARMY.

Notwithstanding the time limitation specified in section 1521 of title 10, United States Code, or any other time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue an appropriate posthumous honorary commission promoting to second lieutenant in the Army under section 1521 of such title Sergeant (retired) Paschal Conley, a distinguished Buffalo Soldier who was recommended for promotion to second lieutenant under then-existing procedures by General John J. Pershing.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. RATES OF BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS ON FULL-TIME NATIONAL GUARD DUTY.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) The rate of basic allowance for housing to be paid to a member of the Army National Guard of the United States or the Air National Guard of the United States on full-time National Guard duty shall be based on the member's duty location.

''(B)(i) The rate of basic allowance for housing to be paid a member described in subparagraph (A) may not be modified upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service, unless the transition results in a permanent change of station and shipment of household goods.

''(ii) For purposes of this subparagraph, a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.''.

SEC. 602. PAYMENT OF BENEFIT FOR NONPARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of $200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) OFFSET.—The Secretary of Defense shall transfer $2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) DEFINITIONS.—In this section, the terms ''Post-Deployment/Mobilization Respite Absence program'' and ''Secretary concerned'' have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2350).

SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2012'' and inserting ''December 31, 2013'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2012'' and inserting ''December 31, 2013'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2012'' and inserting ''December 31, 2013'':

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2012'' and inserting ''December 31, 2013'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2012'' and inserting ''December 31, 2013'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2012'' and inserting ''December 31, 2013'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. INCREASE IN AMOUNT OF OFFICER AFFILIATION BONUS FOR OFFICERS IN THE SELECTED RESERVE.

Section 308j(d) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR RESERVE COMPONENT MEMBERS WHO CONVERT MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGES.

Section 326(c)(1) of title 37, United States Code, is amended by striking '', in the case of'' the first place it appears and all that follows through ''reserve component of the armed forces''.

Subtitle C—Travel and Transportation Allowances

SEC. 631. PERMANENT CHANGE OF STATION ALLOWANCES FOR MEMBERS OF SELECTED RESERVE UNITS FILLING A VACANCY IN ANOTHER UNIT AFTER BEING INVOLUNTARILY SEPARATED.

(a) TRAVEL AND TRANSPORTATION ALLOWANCES GENERALLY.—Section 474 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(6) upon filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member's residence if—

''(A) during the preceding three years the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

''(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

''(C) the member is—

''(i) qualified in a skill designated as critically short by the Secretary concerned; or

''(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.'';

(2) in subsection (f), by adding at the end the following new paragraph:

''(4)(A) A member may be provided travel and transportation allowances under subsection (a)(6) only with respect to the filling of a vacancy in a Selected Reserve unit one time.

''(B) Regulations under this section shall provide that whenever travel and transportation allowances are paid under subsection (a)(6), the cost shall be borne by the unit filling the vacancy.''; and

(3) in subsection (j), by striking ''In this'' and inserting ''Other than in subsection (a)(6), in this''.

(b) TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section 476 of such title is amended—

(1) by redesignating subsections (l), (m), and (n) as subsections (m), (n), and (o); and

(2) by inserting after subsection (k) the following new subsection (l)

''(l)(1) A member described in paragraph (2) is entitled to the travel and transportation allowances, including allowances with respect to dependents, authorized by this section upon filling a vacancy as described in that paragraph as if the member were undergoing a permanent change of station under orders in filling such vacancy.

''(2) A member described in this paragraph is a member who is filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member's residence if—

''(A) during the three years preceding filling the vacancy, the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

''(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

''(C) the member is—

''(i) qualified in a skill designated as critically short by the Secretary concerned; or

''(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.

''(3) Any allowances authorized by this section that are payable under this subsection may be payable in advance if payable in advance to a member undergoing a permanent change of station under orders under the applicable provision of this section.''.

SEC. 632. AUTHORITY FOR COMPREHENSIVE PROGRAM FOR SPACE-AVAILABLE TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

''§ 2641c. Space-available travel on Department of Defense aircraft

''(a) AUTHORITY TO ESTABLISH PROGRAM.—(1) The Secretary of Defense may establish a program to provide transportation on Department of Defense aircraft on a space-available basis.

''(2) The program shall be conducted pursuant to regulations prescribed by the Secretary for purposes of this section. Such regulations shall be prescribed by not later than January 1, 2014, and shall take effect on that date or such earlier date as the Secretary shall specify in such regulations.

''(3) The program shall be conducted in a budget neutral manner. No additional funds may be used, or flight hours performed, for the provision of transportation under the program.

''(b) BENEFIT.—If the Secretary establishes a program authorized by subsection (a), the Secretary shall, subject to section (c), provide the benefit under the program to the following categories of individuals:

''(1) Members of the armed forces on active duty.

''(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

''(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components, who, but for being under the eligibility age applicable under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

''(4) The unremarried spouses of members of the armed forces who were killed on active duty or otherwise died in the line of duty, and the unremarried spouses of former members of the armed forces who died of a combat-related illness or injury, who hold a valid Uniformed Services Identification and Privilege Card.

''(5) Such categories of dependents of individuals described in paragraphs (1) through (3) as the Secretary shall specify in the regulations under subsection (a), under such conditions and circumstances as the Secretary shall specify in such regulations.

''(6) Such other categories of individuals as the Secretary, in the discretion of the Secretary, considers appropriate.

''(c) ADMINISTRATION.—In carrying out a program under this section, the Secretary shall—

''(1) in the sole discretion of the Secretary, establish an order of priority for transportation under the program for categories of individuals under subsection (b) that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;

''(2) give priority in consideration of transportation under the program to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such demands; and

''(3) implement policies aimed at ensuring cost control and the safety, security, and efficient processing of travelers, including limiting the benefit under the program to one or more categories of individuals set forth in subsection (b) if considered necessary by the Secretary.

''(d) CONSTRUCTION.—The authority to provide transportation under this section is in addition to any other authority under law to provide transportation on Department of Defense aircraft on a space-available basis.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2641b the following new item:

''2641c. Space-available travel on Department of Defense aircraft.''.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

SEC. 641. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM AND TERMINATION OF PAYMENT OF SURVIVOR BENEFIT PLAN ANNUITY.

(a) DEPOSITS NOT REQUIRED.—Section 1452(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND FERS'' after ''CSRS'';

(2) by inserting ''or for the purposes of chapter 84 of title 5,'' after ''chapter 83 of title 5,'';

(3) by inserting ''or 8416(a)'' after ''8339(j)''; and

(4) by inserting ''or 8442(a)'' after ''8341(b)''.

(b) CONFORMING AMENDMENTS.—Section 1450(d) of such title is amended—

(1) by inserting ''or for the purposes of chapter 84 of title 5,'' after ''chapter 83 of title 5,'';

(2) by inserting ''or 8146(a)'' after ''8339(j)''; and

(3) by inserting ''or 8442(a)'' after ''8341(b).''

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any participant electing a annuity for survivors under chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

SEC. 642. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY SERVICEMEMBERS' GROUP LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES MARRIED TO OTHER MEMBERS.

Section 1967(a)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by inserting after ''insurable dependent of the member'' the following: ''(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)''; and

(2) in subparagraph (C)(ii), by inserting after ''insurable dependent of the member'' the following: ''(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)''.

SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking ''shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds'' both places it appears and inserting ''may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to payments for months beginning on or after that date.

Subtitle E—Military Lending Matters

SEC. 651. ENHANCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) CONSUMER CREDIT.—Paragraph (6) of section 987(i) of title 10, United States Code, is amended to read as follows:

''(6) CONSUMER CREDIT.—

''(A) IN GENERAL.—The term 'consumer credit' shall be defined by the Secretary of Defense in regulations prescribed under this section, and shall include, in addition to any other meaning provided for in such regulations, the following:

''(i) A vehicle title loan for any duration, whether open end or closed end.

''(ii) A payday loan for any duration, whether open end or closed end.

''(iii) A tax refund anticipation loan.

''(B) EXCLUSIONS.—The term 'consumer credit' does not include the following:

''(i) A residential mortgage.

''(ii) A loan procured in the course of purchasing a car or other personal property, when that loan is offered for the express purpose of financing the purchase and is secured by the car or personal property procured.''.

(b) POLICY ON PREDATORY EXTENSION OF CREDIT THROUGH INSTALLMENT LOANS TARGETING MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—

(1) POLICY REQUIRED.—The Secretary of Defense shall, in consultation with the officials and entities specified in section 987(h)(3) of title 10, United States Code, prescribe a policy on the predatory extension of credit through installment loans targeting members of the Armed Forces and their dependents.

(2) OBJECTIVES.—The objectives of the policy required by paragraph (1) shall be as follows:

(A) To enhance protections afforded members of the Armed Forces and their dependents under section 987 of title 10, United States Code, by curbing continuing predatory lending practices targeting members of the Armed Forces and their dependents that are not currently regulated under that section.

(B) To improve the financial literacy of members of the Armed Forces and their dependents with respect to installment loans and other forms of credit not currently regulated under section 987 of title 10, United States Code.

(C) To make members of the Armed Forces and their dependents aware of other, more beneficial sources of financial aid and credit services (such as those available through military relief societies) than installment loans.

(D) If considered appropriate by the Secretary of Defense, to provide, by regulation, for the coverage under section 987 of title 10, United States Code, of installment loans extended to members of the Armed Forces and dependents protected by that section.

(c) EFFECTIVE DATE.—

(1) MODIFICATION OF REGULATIONS.—The Secretary of Defense shall modify the regulations prescribed under section 987 of title 10, United States Code, to take into account the amendment made by subsection (a).

(2) EFFECTIVE DATE OF MODIFICATION AND POLICY.—The amendment made by subsection (a), and the policy required by subsection (b), shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify.

(3) PUBLICATION OF EARLIER DATE.—If pursuant to paragraph (2)(B) the Secretary specifies an earlier effective date for the amendment made by subsection (a) and the policy required by subsection (b), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date.

SEC. 652. ADDITIONAL ENHANCEMENTS OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROTECTIONS AGAINST DIFFERENTIAL TREATMENT ON CONSUMER CREDIT UNDER STATE LAW.—Subsection (d)(2) of section 987 of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting ''any consumer credit or'' before ''loans''; and

(2) in subparagraph (B), by inserting ''covering consumer credit'' after ''State consumer lending protections''.

(b) REGULAR CONSULTATIONS ON PROTECTIONS.—Subsection (h)(3) of such section is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting ''and not less often than once every two years thereafter,'' after ''under this subsection,''; and

(B) by inserting ''appropriate Federal agencies, including'' before ''the following'';

(2) by striking subparagraph (E); and

(3) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

(c) EFFECTIVE DATE.—

(1) MODIFICATION OF REGULATIONS.—The Secretary of Defense shall modify the regulations prescribed under section 987 of title 10, United States Code, to take into account the amendments made by subsection (a).

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify in the modification of regulations required by paragraph (1).

(3) PUBLICATION OF EARLIER DATE.—If the Secretary specifies an earlier effective date for the amendments made by subsection (a) pursuant to paragraph (2)(B), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date.

SEC. 653. RELIEF IN CIVIL ACTIONS FOR VIOLATIONS OF PROTECTIONS ON CONSUMER CREDIT EXTENDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) IN GENERAL.—Section 987(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) CIVIL LIABILITY.—

''(A) IN GENERAL.—A person who violates this section with respect to any person is civilly liable to such person for—

''(i) any actual damage sustained as a result, but not less than $500 for each violation;

''(ii) appropriate punitive damages;

''(iii) appropriate equitable or declaratory relief;

''(iv) any other relief provided by law;

''(v) in any successful action to enforce the foregoing liability, the costs of the action, together with reasonable attorney fees as determined by the court; and

''(vi) in any successful action by a defendant under this section, if the court finds the action was brought in bad faith and for the purpose of harassment, attorney fees of the defendant as determined by the court to be reasonable in relation to the work expended and costs incurred.

''(B) DEFENSES.—A person may not be held liable for civil liability under this paragraph if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to a person's obligations under this section is not a bona fide error.

''(C) JURISDICTION AND VENUE; LIMITATION.—An action for civil liability under this paragraph may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than the earlier or—

''(i) two years after the date of discovery by the plaintiff of the violation that is the basis for such liability; or

''(ii) five years after the date on which the violation that is the basis for such liability occurs.''.

(b) EFFECTIVE DATE.—The amendment made by this section and shall take effect on the date of the enactment of this Act, and shall apply with respect to consumer credit extended on or after that date.

SEC. 654. MODIFICATION OF DEFINITION OF DEPENDENT FOR PURPOSES OF LIMITATIONS ON TERMS OF CONSUMER CREDIT EXTENDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Paragraph (2) of section 987(i) of title 10, United States Code, is amended to read as follows:

''(2) DEPENDENT.—The term 'dependent', with respect to a covered member, has the meaning given that term in section 401(a) of title 37.''.

SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

''(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.''.

Subtitle F—Other Matters

SEC. 661. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO ARE CARRIED DURING PREGNANCY AT TIME OF DEPENDENT-ABUSE OFFENSE.

(a) IN GENERAL.—Section 1059 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

''(4) Payment to a child under this section shall not be paid for any period before the birth of the child.''; and

(2) in subsection (l), by striking ''at the time of the dependent-abuse offense resulting in the separation of the former member'' and inserting ''or eligible spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse''.

(b) PROSPECTIVE APPLICABILITY.—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.

SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.

(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. EXTENSION OF TRICARE STANDARD COVERAGE AND TRICARE DENTAL PROGRAM FOR MEMBERS OF THE SELECTED RESERVE WHO ARE INVOLUNTARILY SEPARATED.

(a) EXTENSION OF TRICARE STANDARD COVERAGE.—Section 1076d(b) of title 10, United States Code, is amended—

(1) by striking ''Eligibility'' and inserting ''(1) Except as provided in paragraph (2), eligibility''; and

(2) by adding at the end the following new paragraph:

''(2) Eligibility for a member under this section who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate 180 days after the date on which the member is separated.''.

(b) EXTENSION OF TRICARE DENTAL PROGRAM COVERAGE.—Section 1076a(a)(1) of such title is amended by adding at the end the following new sentence: ''Such plan shall provide that coverage for a member of the Selected Reserve who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate not earlier than 180 days after the date on which the member is separated.''.

SEC. 702. INCLUSION OF CERTAIN OVER-THE-COUNTER DRUGS IN TRICARE UNIFORM FORMULARY.

(a) INCLUSION.—Subsection (a)(2) of section 1074g of title 10, United States Code, is amended—

(1) in subparagraph (D), by striking ''No pharmaceutical agent may be excluded'' and inserting ''Except as provided in subparagraph (F), no pharmaceutical agent may be excluded''; and

(2) by adding at the end the following new subparagraph:

''(F)(i) The Secretary may implement procedures to place selected over-the-counter drugs on the uniform formulary and to make such drugs available to eligible covered beneficiaries. An over-the-counter drug may be included on the uniform formulary only if the Pharmacy and Therapeutics Committee established under subsection (b) finds that the over-the-counter drug is cost-effective and clinically effective. If the Pharmacy and Therapeutics Committee recommends an over-the-counter drug for inclusion on the uniform formulary, the drug shall be considered to be in the same therapeutic class of pharmaceutical agents, as determined by the Committee, as similar prescription drugs.

''(ii) Regulations prescribed by the Secretary to carry out clause (i) shall include the following with respect to over-the-counter drugs included on the uniform formulary:

''(I) A determination of the means and conditions under paragraphs (5) and (6) of this subsection through which over-the-counter drugs will be available to eligible covered beneficiaries and the amount of cost sharing that such beneficiaries will be required to pay for over-the-counter drugs, except that no such cost sharing may be required for a member of a uniformed service on active duty.

''(II) Any terms and conditions for the dispensing of over-the-counter drugs to eligible covered beneficiaries.''.

(b) DEFINITIONS.—Subsection (g) of such section is amended by adding at the end the following new paragraphs:

''(3) The term 'over-the-counter drug' means a drug that is not subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

''(4) The term 'prescription drug' means a drug that is subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).''.

(c) TECHNICAL AMENDMENTS.—

(1) CROSS-REFERENCE AMENDMENTS.—Subsections (a)(6)(A) and (b)(1) of such section are amended by striking ''subsection (g)'' and inserting ''subsection (h)''.

(2) REPEAL OF OBSOLETE PROVISIONS.—

(A) Subsection (a)(2)(D) of such section is amended by striking the last sentence.

(B) Subsection (b)(2) of such section is amended by striking ''Not later than'' and all the follows through ''such 90-day period, the committee'' and inserting ''The committee''.

(C) Subsection (d)(2) of such section is amended—

(i) by striking ''Effective not later than April 5, 2000, the Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''the current managed care support contracts'' and inserting ''the managed care support contracts current as of October 5, 1999,''.

SEC. 703. EXPANSION OF EVALUATION OF THE EFFECTIVENESS OF THE TRICARE PROGRAM.

Section 717(a)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 106–104; 110 Stat. 376; 10 U.S.C. 1073 note) is amended by striking ''military retirees'' and inserting ''members of the Armed Forces (whether in the regular or reserve components) and their dependents, military retirees and their dependents, dependent children under the age of 21, and dependents of members on active duty with severe disabilities and chronic health care needs''.

SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly-awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(2) A description of the transition and outreach plans for eligible beneficiaries described in paragraph (1) who will no longer have access to TRICARE Prime under the contracts described in that paragraph.

(3) An estimate of the increased costs to be incurred for healthcare under the TRICARE program for eligible beneficiaries described in paragraph (2).

(4) An estimate of the saving to be achieved by the Department as a result of the contracts described in paragraph (1).

(5) A description of the plans of the Department to continue to assess the impact on access to healthcare for eligible beneficiaries described in paragraph (2).

SEC. 705. CERTAIN TREATMENT OF DEVELOPMENTAL DISABILITIES, INCLUDING AUTISM, UNDER THE TRICARE PROGRAM.

(a) CERTAIN TREATMENT OF AUTISM.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

''§ 1077a. Treatment of autism under the TRICARE program

''(a) IN GENERAL.—Except as provided in subsection (c), for purposes of providing health care services under this chapter, the treatment of developmental disabilities (42 U.S.C. 15002(8)), including autism spectrum disorders, shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

''(b) REQUIREMENTS IN PROVISION OF SERVICES.—In carrying out subsection (a), the Secretary of Defense shall ensure that—

''(1) except as provided by paragraph (2), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

''(2) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in paragraph (1), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

''(c) EXCLUSIONS.—Subsection (a) shall not apply to the following:

''(1) Covered beneficiaries under this chapter who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act.

''(2) Covered beneficiaries under this chapter who are former members, dependents of former members, or survivors of any uniformed service not under the jurisdiction of the Department of Defense.

''(d) CONSTRUCTION WITH OTHER BENEFITS.—(1) Nothing in this section shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

''(A) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

''(B) being a dependent of a member of a service described in subparagraph (A).

''(2) Nothing in this section shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

''(A) this chapter;

''(B) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

''(C) any other law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1077 the following new item:

''1077a. Treatment of autism under the TRICARE program.''.

(b) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by $45,000,000, with the amount of the increase to be available for the provision of care in accordance with section 1077a of title 10, United States Code (as added by subsection (a)).

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by $45,000,000.

SEC. 706. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

Subtitle B—Other Health Care Benefits

SEC. 711. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ''or in a case in which the pregnancy is the result of an act of rape or incest''.

SEC. 712. AVAILABILITY OF CERTAIN FERTILITY PRESERVATION TREATMENTS FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

(a) IN GENERAL.—Subsection (a) of section 1074d of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Members of the armed forces entitled to medical care under section 1074(a) of this title who have been diagnosed with a condition for which the recommended course of treatment is recognized by a licensed physician and surgeon or other appropriate medical practitioner as a cause of iatrogenic infertility shall also be entitled to fertility preservation treatment as a part of such medical care.

''(B) If the fertility preservation treatment to which a member is entitled under this paragraph is not available through a facility of the uniformed services accessible to the member, such treatment shall be provided to the member through another appropriate mechanism under this chapter, including through the TRICARE program.''.

(b) DEFINITIONS RELATING TO FERTILITY PRESERVATION TREATMENT.—Such section is further amended—

(1) in subsection (b), by striking the subsection heading and inserting ''DEFINITION RELATING TO PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN''; and

(2) by adding at the end the following new subsection:

''(c) DEFINITIONS RELATING TO FERTILITY PRESERVATION TREATMENT.—In this section:

''(1) The term 'fertility preservation treatment' includes—

''(A) procedures consistent with established medical practices in the prevention or treatment of iatrogenic infertility by licensed physicians and surgeons or other appropriate medical practitioners, including diagnosis, diagnostic tests, medication, or surgery; and

''(B) any other procedure identified by the Secretary of Defense that is intended to promote the future fertility of an individual who has been diagnosed with a condition for which the recommended course of treatment is recognized by a licensed physician and surgeon or other appropriate medical practitioner as a cause of iatrogenic infertility.

''(2) The term 'iatrogenic infertility' means the current or future diminished ability, or the inability of an individual to conceive or contribute to conception as a consequence of medical treatment.''.

SEC. 713. MODIFICATION OF REQUIREMENTS ON MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) TIMING OF MENTAL HEALTH ASSESSMENTS.—Paragraph (1)(C)(i) of section 1074m(a) of title 10, United States Code, is amended by striking ''one year'' and inserting ''18 months''.

(b) EXCLUSION OF CERTAIN MEMBERS.—Paragraph (2) of such section is amended—

(1) by striking ''subparagraph (B) and (C) of''; and

(2) by striking ''determines that—'' and all that follows and inserting ''determines—

''(A) in the case of an assessment otherwise required under subparagraph (A) of that paragraph, that the member will not be subjected or exposed to operational risk factors during deployment in the contingency operation concerned;

''(B) in the case of an assessment otherwise required under subparagraph (B) or (C) of that paragraph, that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

''(C) in the case of any assessment otherwise required under that paragraph, that providing such assessment to the member during the otherwise applicable time period under such paragraph would remove the member from forward deployment or would put members or operational objectives at risk.''.

Subtitle C—Health Care Administration

SEC. 721. CLARIFICATION OF APPLICABILITY OF CERTAIN AUTHORITY AND REQUIREMENTS TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.

(a) APPLICABILITY OF FEDERAL TORT CLAIMS ACT TO SUBCONTRACTORS.—Section 1089(a) of title 10, United States Code, is amended in the last sentence—

(1) by striking ''if the physician, dentist, nurse, pharmacist, or paramedical'' and inserting ''to such a physician, dentist, nurse, pharmacist, or paramedical'';

(2) by striking ''involved is''; and

(3) by inserting before the period at the end the following: ''or a subcontract at any tier under such a contract that is authorized in accordance with the requirements of such section 1091''.

(b) APPLICABILITY OF PERSONAL SERVICES CONTRACTING AUTHORITY TO SUBCONTRACTORS.—Section 1091(c) of such title is amended by adding at the end the following new paragraph:

''(3) The procedures established under paragraph (1) may provide for a contracting officer to authorize a contractor to enter into a subcontract for personal services on behalf of the agency upon a determination that the subcontract is—

''(A) consistent with the requirements of this section and the procedures established under paragraph (1); and

''(B) in the best interests of the agency.''.

SEC. 722. RESEARCH PROGRAM TO ENHANCE DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) RESEARCH PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a research program to assess the feasibility and advisability of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury (TBI) in members of the National Guard and Reserves, their family members, and their caregivers.

(b) AGREEMENTS WITH COMMUNITY PARTNERS.—In carrying out the research program authorized by subsection (a), the Secretary may enter into partnership agreements with community partners described in subsection (c) using a competitive and merit-based award process.

(c) COMMUNITY PARTNERS DESCRIBED.—A community partner described in this subsection is a private nonprofit organization or institution (or multiple organizations and institutions) that—

(1) engages in the research activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the research program.

(d) ACTIVITIES.—Partnerships entered into under the research program shall be used to engage in research on the causes, development, and innovative treatment of mental health and substance use disorders and Traumatic Brain Injury in members of the National Guard and Reserves, their family members, and their caregivers.

(e) REPORT.—Not later than five years after the commencement of the research program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the research program, including a description of the research program, the community partners participating in the research program, the activities carried out, the number of members of the National Guard and Reserves, family members, and caregivers supported by community partners, and a description and assessment of the effectiveness and achievements of the research program.

Subtitle D—Reports and Other Matters

SEC. 731. REPORTS ON PERFORMANCE DATA ON WARRIORS IN TRANSITION PROGRAMS.

(a) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, each Secretary of a military department shall submit to Congress a report on data on the performance of the military department in addressing the care, management and transition needs of members of the Armed Forces under the jurisdiction of such Secretary who participate in a Warriors in Transition program under the jurisdiction of such Secretary with respect to the following:

(1) Physical health.

(2) Mental and behavioral health.

(3) Educational and vocational aptitude and capabilities.

(4) Such other matters as such Secretary considers appropriate.

(b) COMMON METHODOLOGY.—The Secretaries shall report not fewer than five outcome measures for each of the areas set forth in subsection (a) using a common methodology developed by the Secretaries and approved by the Secretary of Defense for purposes of this section.

(c) LONGITUDINAL DATA.—The occasions for collecting data on a member participating in a Warriors in Transition program for purposes of reports under subsection (a) shall be as follows:

(1) When the member commences participation in the program.

(2) At least once each year the member participates in the program.

(3) When the member ceases participation in the program (whether for return to military duty or to civilian life).

(4) With the consent of the member, one year after the member ceases participation in the program as described in paragraph (3).

(d) ELEMENTS.—Each report under subsection (a) shall include an assessment by the Secretary of the military department concerned of the following with respect to the Warriors in Transition programs covered by such report:

(1) The progress of members participating in the Warriors in Transition programs in the areas specified in subsection (a).

(2) The efficacy of the Warriors in Transition programs in facilitating the transition of members to military duty or civilian life, as applicable.

(3) The differences in outcomes in the Warriors in Transition programs, by location, type, Armed Force, component, and types of wounds, injuries, or conditions of program participants.

(4) The percentage of members participating in the Warriors in Transition programs who receive care under such programs from assigned providers, including medical care case managers, non-medical service providers (including non-medical case managers, legal support personnel, and, as applicable, Physical Evaluation Board Liaison Officers), mental health care providers, and medical evaluation (MEB) physicians whose caseload exceeds the caseload ratio that has been designated as adequate by the Secretary of Defense.

(5) The percentage of members participating in the Warriors in Transition programs for whom the intervals between various phases in the transition process exceeds the average length of such intervals, including intervals relating to appointment times for specialists and for treatment for Post-Traumatic Stress Disorder (PTSD).

(6) Such other measurements of outcomes or progress of members through the Warriors in Transition programs as such Secretary considers appropriate.

(e) PERSONALLY IDENTIFIABLE INFORMATION.—Data collected under this section shall be treated in compliance with the provisions of section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'').

(f) SUNSET.—No report is required under this section after September 30, 2017.

(g) WARRIORS IN TRANSITION PROGRAM DEFINED.—In this section, the term ''Warriors in Transition program'' means any major support program of the Armed Forces for members of the Armed Forces with severe wounds, illnesses, or injuries that is intended to provide such members with non-medical case management service and care coordination services, and includes the programs as follows:

(1) Warrior Transition Units and the Wounded Warrior Program of the Army.

(2) The Safe Harbor program of the Navy.

(3) The Wounded Warrior Regiment of the Marine Corps.

(4) The Recovery Care Program and the Wounded Warrior programs of the Air Force.

(5) The Care Coalition of the United States Special Operations Command.

SEC. 732. REPORT ON DEPARTMENT OF DEFENSE SUPPORT OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE TRAUMATIC INJURY AS A RESULT OF VACCINATIONS REQUIRED BY THE DEPARTMENT.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a comprehensive review (conducted for purposes of the report) of the adequacy and effectiveness of the policies, procedures, and systems of the Department of Defense in providing support to members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The number and nature of traumatic injuries incurred by members of the Armed Forces as a result of a vaccination required by the Department of Defense each year since January 1, 2001, set forth by aggregate in each year and by military department in each year.

(2) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems (including tracking systems) of the Department to identify members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(3) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems of the Department to support members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

SEC. 733. PLAN TO ELIMINATE GAPS AND REDUNDANCIES IN PROGRAMS OF THE DEPARTMENT OF DEFENSE ON PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY AMONG MEMBERS OF THE ARMED FORCES.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to streamline the programs of the Department of Defense that address psychological health and traumatic brain injury among members of the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A complete list of the programs described in paragraph (1), including a detailed description of the intended function of each such program.

(B) An identification of any gaps in services and treatments in the programs listed under subparagraph (A)

(C) An identification of any redundancies in the programs listed under subparagraph (A).

(D) A plan for mitigating the gaps identified under subparagraph (B) and for eliminating the redundancies identified under subparagraph (C).

(E) An identification of the individual in the Department who will be responsible for leading implementation of the plan required by paragraph (1).

(F) A schedule for the implementation of the plan.

(b) STATUS REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of the implementation of the plan required by subsection (a).

SEC. 734. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES ON PREVENTION OF HEARING LOSS AMONG MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the recommendations of the Comptroller General of the United States in the January 2011 report of the Comptroller General entitled ''Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes'' that address prevention of hearing loss, abatement of hearing loss, data collection regarding hearing loss, and the need for a new interagency data sharing system so that sufficient information is available to address and track hearing injuries and loss.

SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.

It is the sense of the Senate that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and

(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

SEC. 736. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROGRAM REQUIRED.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a ''prescription drug take-back program'') under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM ELEMENTS.—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

Subtitle E—Mental Health Care Matters

SEC. 751. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(b) SCOPE OF RESPONSIBILITIES.—The individual serving in the position established pursuant to subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) In consultation with the National Center for Post Traumatic Stress Disorder of the Department of Veterans Affairs and other appropriate public and private agencies and entities, to require the use of clinical best practices in mental health care, suicide prevention programs, and resilience programs of the Department of Defense, including the diagnosis and treatment of behavioral health disorders.

(3) To oversee and manage the comprehensive program on the prevention of suicide among members of the Armed Forces required by section 752.

SEC. 752. COMPREHENSIVE PROGRAM ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, develop and implement within the Department of Defense a comprehensive program on the prevention of suicide among members of the Armed Forces. In developing the program, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the program.

(b) ELEMENTS.—The comprehensive program required by subsection (a) shall include elements to achieve the following:

(1) To raise awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) To provide members of the Armed Forces generally, members of the Armed Forces in supervisory positions (including officers in command billets and non-commissioned officers), and medical personnel of the Armed Forces and the Department of Defense with effective means of identifying members of the Armed Forces who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) To provide members of the Armed Forces who are at risk of suicide with continuous access to suicide prevention services, including suicide crisis services.

(4) To evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) To evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) in order to ensure clinical best practices are used in such programs.

(6) To ensure that the programs referred to in paragraph (4) incorporate evidenced-based practices when available.

(7) To provide for the training of mental health care providers on evidence-based therapies in connection with suicide prevention.

(8) To establish training standards for behavioral health care providers in order to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available, and to ensure such standards are met.

(9) To provide for the integration of mental health screenings and suicide risk and prevention for members of the Armed Forces into the delivery of primary care for such members.

(10) To ensure appropriate responses to attempted or completed suicides among members of the Armed Forces, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) To ensure the protection of the privacy of members of the Armed Forces seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary of Defense considers appropriate in connection with the prevention of suicide among members of the Armed Forces.

(c) CONSULTATION.—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall consult with appropriate officials and elements of the Department of Defense, appropriate centers of excellence within the Department of Defense, and other public and private entities with expertise in mental health and suicide prevention.

(d) IMPLEMENTATION BY THE ARMED FORCES.—In implementing the comprehensive program required by subsection (a) with respect to an Armed Force, the Secretary of the military department concerned may, in consultation with the Under Secretary and with the approval of the Secretary of Defense, modify particular elements of the program in order to adapt the program appropriately to the unique culture and elements of that Armed Force.

(e) QUALITY ASSURANCE.—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall develop and implement appropriate mechanisms to provide for the oversight and management of the program, including quality measures to assess the efficacy of the program in preventing suicide among members of the Armed Forces.

SEC. 753. QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

(1) Medical Evaluation Boards (MEBs).

(2) Physical Evaluation Boards (PEBs).

(3) Physical Evaluation Board Liaison Officers (PEBLOs).

(b) OBJECTIVES.—The objectives of the quality assurance program shall be as follows:

(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

(2) ANNUAL REPORTS.—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 754. ASSESSMENT OF ADEQUACY OF MENTAL HEALTH CARE BENEFITS UNDER THE TRICARE PROGRAM.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

(b) REPORT.—The contract required by subsection (a) shall require the entity conducting the assessment required by the contract to submit to the Secretary of Defense, and to the congressional defense committees, a report setting forth the results of the assessment by not later than 180 days after the date of entry into the contract. If the entity determines pursuant to the assessment that the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are not adequate to meet the needs of such members and beneficiaries for mental health care, the report shall include such recommendations for legislative or administrative action as the entity considers appropriate to remediate any identified inadequacy.

(c) DEFINITIONS.—In this section:

(1) The term ''covered beneficiaries'' has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 755. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074f(c) of title 10, United States Code.

(b) CESSATION UPON IMPLEMENTATION OF ELECTRONIC HEALTH RECORD.—The sharing required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Affairs jointly certify to Congress that the Secretaries have fully implemented an integrated electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

SEC. 756. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the Armed Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive program for suicide prevention among veterans under subsection (a) of such section.

(B) The peer support counseling program carried out by the Secretary of Veterans Affairs under section 304(a)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1150; 38 U.S.C. 1712A note).

(2) TRAINING.—Any member participating in a peer support counseling program under paragraph (1) shall receive the training for peer counselors under section 1720F(j)(2) of title 38, United States Code, or section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010, as applicable, before performing peer support counseling duties under such program.

(b) COVERED MEMBERS.—Members of the Armed Forces described in this subsection are the following:

(1) Members of the reserve components of the Armed Forces who are demobilizing after deployment in a theater of combat operations, including, in particular, members who participated in combat against the enemy while so deployed.

(2) Members of the regular components of the Armed Forces separating from active duty who have been deployed in a theater of combat operations in which such members participated in combat against the enemy.

SEC. 757. RESEARCH AND MEDICAL PRACTICE ON MENTAL HEALTH CONDITIONS.

(a) DEPARTMENT OF DEFENSE ORGANIZATION ON RESEARCH AND PRACTICE.—The Secretary of Defense shall establish within the Department of Defense an organization to carry out the responsibilities specified in subsection (b).

(b) RESPONSIBILITIES.—The organization established under subsection (a) shall—

(1) carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices;

(2) make recommendations to the Assistant Secretary of Defense for Health Affairs on the translation of such research into the policies of the Department of Defense on medical practices with respect to members of the Armed Forces; and

(3) discharge such other responsibilities relating to research and medical practices on mental health conditions, and the policies of the Department on such practices with respect to members of the Armed Forces, as the Secretary or the Assistant Secretary shall specify for purposes of this section.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the organization required by subsection (a). The report shall include a description of the organization and a plan for implementing the requirements of this section.

(2) ANNUAL REPORTS.—The Secretary shall submit to Congress each year a report on the activities of the organization established under subsection (a) during the preceding year. Each report shall include the following:

(A) A summary description of the activities of the organization during the preceding year.

(B) A description of the recommendations made by the organization to the Assistant Secretary under subsection (b)(2) during the year, and a description of the actions undertaken (or to be undertaken) by the Assistant Secretary in response to such recommendations.

(C) Such other matters relating to the activities of the organization, including recommendations for additional legislative or administrative action, as the Secretary, in consultation with the Assistant Secretary, considers appropriate.

SEC. 758. DISPOSAL OF CONTROLLED SUBSTANCES.

(a) MEMBERS OF THE ARMED FORCES.—The Administrator of the Drug Enforcement Administration shall enter into a memorandum of understanding with the Secretary of Defense establishing procedures under which a member of the Armed Forces may deliver a controlled substance to a member of the Armed Forces or an employee of the Department of Defense to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) VETERANS.—

(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the Secretary of Veterans Affairs establishing procedures under which a veteran may deliver a controlled substance to an employee of the Department of Veterans Affairs to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(2) VETERAN DEFINED.—In this subsection, the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

SEC. 759. TRANSPARENCY OF MENTAL HEALTH CARE SERVICES.

(a) MEASUREMENT OF MENTAL HEALTH CARE SERVICES.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) ELEMENTS.—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services, including at community-based outpatient clinics. Such guidelines shall include productivity standards for providers of mental health care.

(c) STUDY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall seek to enter into a contract with the National Academy of Sciences to create a study committee—

(A) to consult with the Secretary on the Secretary's development and implementation of the measures and guidelines required by subsections (a) and (b); and

(B) to conduct an assessment and provide an analysis and recommendations on the state of Department mental health services.

(2) FUNCTIONS.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(B), include in such contract a provision for the study committee—

(A) to conduct a comprehensive assessment of barriers to access to mental health care by veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(B) to assess the quality of the mental health care being provided to such veterans (including the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs (A) through (C), specific, detailed recommendations—

(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) PARTICIPATION BY FORMER OFFICIALS AND EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.—The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclusion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former employees of the Veterans Health Administration who were providers of mental health care.

(4) PERIODIC REPORTS TO SECRETARY.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) REPORTS TO CONGRESS.—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report shall include a description of each recommendation submitted to the Secretary that the Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) PUBLICATION.—

(1) IN GENERAL.—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) QUARTERLY UPDATES.—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) SEMIANNUAL REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the Secretary's progress in developing and implementing the measures and guidelines required by this section.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department of Veterans Affairs, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services furnished under laws administered by the Secretary.

(f) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section, the Secretary shall submit to the committees described in subsection (e)(1) a report on the Secretary's planned implementation of such measures and guidelines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the measures and guidelines that the Secretary plans to implement under this section.

(B) A description of the rationale for each measure and guideline the Secretary plans to implement under this section.

(C) A discussion of each measure and guideline that the Secretary considered under this section but chose not to implement.

(D) The number of current vacancies in mental health care provider positions in the Department.

(E) An assessment of how many additional positions are needed to meet current or expected demand for mental health services furnished by the Department.

SEC. 760. EXPANSION OF VET CENTER PROGRAM TO INCLUDE FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''Upon the request'' and all that follows through the period at the end and inserting the following: ''Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

''(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

''(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

''(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

''(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.''; and

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual's psychological, social, and other characteristics to ascertain whether—

''(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

''(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

''(I) coping with the deployment of a member described in subclause (I) of such clause; or

''(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

''(C) Subparagraph (A) applies to the following individuals:

''(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

''(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the causalities of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

''(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical location of such veteran or member during such combat was within such theater of combat operations or area.

''(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

''(v) Any individual who is a family member of any—

''(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

''(II) veteran or member of the Armed Forces described in this subparagraph.'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking ''a veteran described in paragraph (1)(B)(iii)'' and inserting ''an individual described in paragraph (1)(C)''; and

(ii) by striking ''the veteran a preliminary general mental health assessment'' and inserting ''the individual a comprehensive individual assessment as described in paragraph (1)(B)'';

(2) in subsection (b)(1), by striking ''physician or psychologist'' each place it appears and inserting ''licensed or certified mental health care provider'';

(3) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

''(1) The term 'Vet Center' means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.''; and

(B) by adding at the end the following new paragraph:

''(3) The term 'family member', with respect to a veteran or member of the Armed Forces, means an individual who—

''(A) is a member of the family of the veteran or member, including—

''(i) a parent;

''(ii) a spouse;

''(iii) a child;

''(iv) a step-family member; and

''(v) an extended family member; or

''(B) lives with the veteran or member but is not a member of the family of the veteran or member.''; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

''(g) In carrying out this section and in furtherance of the Secretary's responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

''(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and

''(2) operated by any organization named in or approved under section 5902 of this title.''.

SEC. 761. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO FURNISH MENTAL HEALTH CARE THROUGH FACILITIES OTHER THAN VET CENTERS TO IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) IN GENERAL.—Subject to the availability of appropriations and subsection (b), the Secretary of Veterans Affairs, in addition to furnishing mental health care to family members of members of the Armed Forces through Vet Centers under section 1712A of title 38, United States Code, may furnish mental health care to immediate family members of members of the Armed Forces while such members are deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, nonprofit, private, and other third parties as the Secretary considers appropriate.

(b) LIMITATION.—The Secretary may furnish mental health care under subsection (a) only to the extent that resources and facilities are available and only to the extent that the furnishing of such care does not interfere with the provision of care to veterans.

(c) NO ELIGIBILITY FOR TRAVEL REIMBURSEMENT.—A family member to whom the Secretary furnishes mental health care under subsection (a) shall not be eligible for payments or allowances under section 111 of title 38, United States Code, for such mental health care.

(d) SUNSET.—The authority to furnish medical health care under subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

(e) VET CENTER DEFINED.—In this section, the term ''Vet Center'' has the meaning given the term in section 1712A(g) of title 38, United States Code, as amended by section 760(3) of this Act.

SEC. 762. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7309. Readjustment Counseling Service

''(a) IN GENERAL.—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of this title.

''(b) CHIEF OFFICER.—(1) The head of the Readjustment Counseling Service shall be the Chief Officer of the Readjustment Counseling Service (in this section the 'Chief Officer'), who shall report directly to the Under Secretary for Health.

''(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

''(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association;

''(ii) are holders of a master in social work degree; or

''(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate;

''(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service;

''(C) have at least three years of experience administrating direct counseling services or outreach services in the Readjustment Counseling Service;

''(D) meet the quality standards and requirements of the Department; and

''(E) are veterans who served in combat as members of the Armed Forces.

''(c) STRUCTURE.—(1) The Readjustment Counseling Service is a distinct organizational element within Veterans Health Administration.

''(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

''(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

''(d) SOURCE OF FUNDS.—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

''(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

''(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

''(e) ANNUAL REPORT.—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

''(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

''(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

''(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

''(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary's plan for meeting such unmet need.

''(f) VET CENTER DEFINED.—In this section, the term 'Vet Center' has the meaning given the term in section 1712A(g) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

''7309. Readjustment Counseling Service.''.

(c) CONFORMING AMENDMENTS.—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) A Readjustment Counseling Service.''.

SEC. 763. RECRUITING MENTAL HEALTH PROVIDERS FOR FURNISHING OF MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, or government entities in order to recruit mental health providers, who meet the quality standards and requirements of the Department of Veterans Affairs, to provide mental health services for the Department on a part-time, without-compensation basis, under section 7405 of title 38, United States Code.

(b) PARTNERING WITH AND DEVELOPING COMMUNITY ENTITIES AND NONPROFIT ORGANIZATIONS.—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organization or assist in the development of a community entity or nonprofit organization, including by entering into an agreement under section 8153 of title 38, United States Code, that provides strategic coordination of the societies, organizations, and government entities described in subsection (a) in order to maximize the availability and efficient delivery of mental health services to veterans by such societies, organizations, and government entities.

(c) MILITARY CULTURE TRAINING.—In carrying out the program required by subsection (a), the Secretary shall provide training to mental health providers to ensure that clinicians who provide mental health services as described in such subsection have sufficient understanding of military- and service-specific culture, combat experience, and other factors that are unique to the experience of veterans who served in Operation Enduring Freedom, Operating Iraqi Freedom, or Operation New Dawn.

SEC. 764. PEER SUPPORT.

(a) PEER SUPPORT COUNSELING PROGRAM.—

(1) PROGRAM REQUIRED.—Paragraph (1) of section 1720F(j) of title 38, United States Code, is amended in the matter before subparagraph (A) by striking ''may'' and inserting ''shall''.

(2) TRAINING.—Paragraph (2) of such section is amended by inserting after ''peer counselors'' the following: '', including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111–163)''.

(3) AVAILABILITY OF PROGRAM AT DEPARTMENT MEDICAL CENTERS.—Such section is amended by adding at the end the following new paragraph:

''(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.''.

(4) DEADLINE FOR COMMENCEMENT OF PROGRAM.—The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS WHO SERVED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—

(1) IN GENERAL.—Section 304 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111–163) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

''(e) PROVISION OF PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS.—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.''.

(2) DEADLINE.—The Secretary of Veterans Affairs shall commence carrying out the services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. LIMITATION ON USE OF COST-TYPE CONTRACTS.

(a) PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs).

(b) EXCEPTION.—

(1) IN GENERAL.—The prohibition under subsection (a) shall not apply in the case of a particular cost-type contract if the Under Secretary of Defense for Acquisition, Technology, and Logistics, after consultation with the Director of Cost Assessment and Program Evaluation—

(A) certifies, in writing, with reasons, that a cost-type contract is needed to provide a required capability in a timely and cost-effective manner; and

(B) provides the certification to the congressional defense committees not later than 30 business days before issuing a solicitation for the contract.

(2) SCOPE OF EXCEPTION.—In any case when the Under Secretary grants an exception under paragraph (1), the Under Secretary shall take affirmative steps to make sure that the use of cost-type pricing is limited to only those line items or portions of the contract where such pricing is needed to achieve the purposes of the exception. A written certification under paragraph (1) shall be accompanied by an explanation of the steps taken under this paragraph.

(c) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''production of a major defense acquisition program'' means the production, either on a low-rate initial production or full-rate production basis, and deployment of a major system that is intended to achieve an operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C under Department of Defense Instruction 5000.02 or related authorities.

(3) CONTRACT FOR THE PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''contract for the production of a major defense acquisition program''—

(A) means a prime contract for the production of a major defense acquisition program; and

(B) does not include individual line items for segregable efforts or contracts for the incremental improvement of systems that are already in production (other than contracts for major upgrades that are themselves major defense acquisition programs).

(d) APPLICABILITY.—The requirements of this section shall apply to contracts for the production of major defense acquisition programs entered into on or after October 1, 2014.

SEC. 802. ACQUISITION STRATEGIES FOR MAJOR SUBSYSTEMS AND SUBASSEMBLIES ON MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program—

(1) provides, where appropriate, for breaking out a major subsystem or subassembly, conducting a separate competition or negotiating a separate price for the subsystem or subassembly, and providing the subsystem or subassembly to the prime contractor as government-furnished equipment; and

(2) in any case where it is not practical or appropriate to break out a major subsystem or subassembly and provide it to the prime contractor as government-furnished equipment, includes measures to prevent excessive pass-through charges by the prime contractor.

(b) DEFINITIONS.—In this section:

(1) The term ''excessive pass-through charges'' means pass-through charges that are not reasonable in relation to the cost of direct labor provided by employees of the contractor, any other costs directly attributable to the management of the subcontract by employees of the contractor, and the level of risk and responsibility, if any, assumed by the prime contractor for the performance of the subcontract.

(2) The term ''major defense acquisition program'' has the meaning given the term in section 2430(a) of title 10, United States Code.

(3) The term ''pass-through charges'' means prime contractor charges for overhead (including general and administrative costs) or profit on a subsystem or subassembly that is produced by an entity or entities other than the prime contractor.

(c) CONFORMING AMENDMENTS.—Section 202(c) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1720; 10 U.S.C. 2430 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''fair and objective 'make-buy' decisions by prime contractors'' and inserting ''competition or the option of competition at the subcontract level'';

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting before paragraph (2), as redesignated by paragraph (2) of this subsection, the following new paragraph (1):

''(1) where appropriate, breaking out a major subsystem, conducting a separate competition for the subsystem, and providing the subsystem to the prime contractor as government-furnished equipment;''.

SEC. 803. MANAGEMENT STRUCTURE FOR DEVELOPMENTAL TEST AND EVALUATION.

(a) DUTIES OF DASD FOR DEVELOPMENTAL TEST AND EVALUATION.—Subsection (a)(5) of section 139b of title 10, United States Code is amended—

(1) in subparagraph (A)(i), by striking ''in the Department of Defense'' and inserting ''of the military departments and other elements of the Department of Defense''; and

(2) in subparagraph (C), by striking ''programs'' and inserting ''programs (including the activities of chief developmental testers and lead developmental test evaluation organizations designated in accordance with subsection (c))''.

(b) DUTIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—Subsection (c) of such section is amended—

(1) in paragraph (2), by striking ''shall be responsible for'' and inserting '', consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for'';

(2) in paragraph (3), by striking ''shall be responsible for'' and inserting '', consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for''; and

(3) by adding at the end the following new paragraph:

''(4) TRANSMITTAL OF RECORDS AND DATA.—The chief developmental tester and the lead developmental test and evaluation organization for a major defense acquisition program shall promptly transmit to the Deputy Assistant Secretary for Developmental Test and Evaluation any records or data relating to the program that are requested by the Deputy Assistant Secretary, as provided in subsection (a)(6).''.

SEC. 804. ASSESSMENTS OF POTENTIAL TERMINATION LIABILITY OF CONTRACTS FOR THE DEVELOPMENT OR PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT ON ASSESSMENT REQUIRED.—Not later than 30 days before entering into a covered contract, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the potential termination liability of the Department of Defense under the contract, including—

(1) an estimate of the maximum potential termination liability certification for the contract; and

(2) an assessment how such termination liability is likely to increase or decrease over the period of performance of the contract.

(b) COVERED CONTRACTS.—For purposes of this section, a covered contract is a contract for the development or production of a major defense acquisition program for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority if the contract has a potential termination liability of the Department of Defense that could reasonably be expected to exceed $100,000,000.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

SEC. 805. TECHNICAL CHANGE REGARDING PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.

Section 2433a(c)(3)(A) of title 10, United States Code, is amended by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraphs (B), (C), and (E)''.

SEC. 806. REPEAL OF REQUIREMENT TO REVIEW ONGOING PROGRAMS INITIATED BEFORE ENACTMENT OF MILESTONE B CERTIFICATION AND APPROVAL PROCESS.

Subsection (b) of section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1725; 10 U.S.C. 2366b note) is repealed.

Subtitle B—Acquisition Policy and Management

SEC. 821. ONE-YEAR EXTENSION OF TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1489) is amended—

(1) by striking ''fiscal year 2012 or 2103'' each place it appears and inserting ''fiscal year 2012, 2013, or 2014''; and

(2) by striking ''fiscal years 2012 and 2013'' each place it appears and inserting ''fiscal years 2012, 2103, and 2014''.

SEC. 822. PROHIBITION OF EXCESSIVE PASS-THROUGH CONTRACTS AND CHARGES IN THE ACQUISITION OF SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to—

(1) prohibit the award of a covered contract or task order unless the contractor agrees that at least 50 percent of the direct labor cost of services to be performed under the contract or task order will be expended for employees of the contractor or of a subcontractor that is specifically identified and authorized to perform such work in the contract or task order;

(2) provide that the contracting officer for a covered contract or task order may authorize reliance upon a subcontractor or subcontractors to meet the requirement in paragraph (1) only upon a written determination that such reliance is in the best interest of the executive agency concerned, after taking into account the added cost for overhead (including general and administrative costs) and profit that may be incurred as a result of the pass-through;

(3) require the contracting officer for a covered contract or task order for which more than 70 percent of the direct labor cost of services to be performed will be expended for persons other than employees of the contractor to ensure that amounts paid to the contractor for overhead (including general and administrative costs) and profit are reasonable in relation to the cost of direct labor provided by employees of the contractor and any other costs directly attributable to the management of the subcontract by employees of the contractor;

(4) include such exceptions to the requirements in paragraphs (2) and (3) as the Federal Acquisition Regulatory Council considers appropriate in the interests of the United States, which exceptions shall be permissible only in exceptional circumstances and for instances demonstrated by the Council to be cost-effective; and

(5) include such exceptions to the requirements in paragraphs (2) and (3) as the Secretary of Defense considers appropriate in the interests of the national defense.

(b) COVERED CONTRACT OR TASK ORDER DEFINED.—In this section, the term ''covered contract or task order'' means a contract or

task order for the performance of services (other than construction) with a value in excess of the simplified acquisition threshold that is entered into for or on behalf of an executive agency, except that such term does not include any contract or task order that provides a firm, fixed price for each task to be performed and is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of commercial services as defined in paragraphs (5) and (6) of section 103 of title 41, United States Code.

(c) EFFECTIVE DATE.—The requirements of this section shall apply to—

(1) covered contracts that are awarded on or after the date that is 90 days after the date of the enactment of this Act; and

(2) covered task orders that are awarded on or after the date that is 90 days after the date of the enactment of this Act under contracts that are awarded before, on, or after such date.

(d) OTHER DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

(2) The term ''Federal Acquisition Regulatory Council'' means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

(e) CONFORMING REPEAL.—Section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2340) is repealed.

SEC. 823. AVAILABILITY OF AMOUNTS IN DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND FOR TEMPORARY MEMBERS OF WORKFORCE.

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1), by adding at the end the following new sentence: ''In the case of temporary members of the acquisition workforce designated pursuant to subsection (h)(2), such funds shall be available only for the limited purpose of providing training in the performance of acquisition-related functions and duties.''; and

(B) in paragraph (5), by inserting before the period at the end the following: '', and who has continued in the employment of the Department since such time without a break in such employment of more than a year'';

(2) by striking subsection (g);

(3) by redesignating subsection (h) as subsection (g); and

(4) by adding at the end the following new subsection (h):

''(h) ACQUISITION WORKFORCE DEFINED.—In this section, the term 'acquisition workforce' means the following:

''(1) Personnel in positions designated under section 1721 of this title as acquisition positions for purposes of this chapter.

''(2) Other military personnel or civilian employees of the Department of Defense who—

''(A) contribute significantly to the acquisition process by virtue of their assigned duties; and

''(B) are designated as temporary members of the acquisition workforce by the Under Secretary of Defense for Acquisition, Technology, and Logistics, or by the senior acquisition executive of a military department, for the limited purpose of receiving training for the performance of acquisition-related functions and duties.''.

(b) EXTENSION OF EXPEDITED HIRING AUTHORITY.—Subsection (g) of such section, as redesignated by subsection (a)(3) of this section, is further amended in paragraph (2) by striking ''September 30, 2015'' and inserting ''September 30, 2017''.

(c) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan for the implementation of the authority provided by the amendments made by subsection (a) with regard to temporary members of the defense acquisition workforce. The plan shall include policy, criteria, and processes for designating temporary members and appropriate safeguards to prevent the abuse of such authority.

SEC. 824. DEPARTMENT OF DEFENSE POLICY ON CONTRACTOR PROFITS.

(a) REVIEW OF GUIDELINES ON PROFITS.—The Secretary of Defense shall review the profit guidelines in the Department of Defense Supplement to the Federal Acquisition Regulation in order to identify any modifications to such guidelines that are necessary to ensure an appropriate link between contractor profit and contractor performance.

(b) MATTERS TO BE CONSIDERED.—In conducting the review required by subsection (a), the Secretary shall consider, at a minimum, the following:

(1) Appropriate levels of profit needed to sustain competition in the defense industry, taking into account contractor investment and cash flow.

(2) Appropriate adjustments to address contract and performance risk assumed by the contractor, taking into account the extent to which such risk is passed on to subcontractors.

(3) Appropriate incentives for superior performance in delivering quality products and services in a timely and cost-effective manner, taking into account such factors as prime contractor cost reduction, control of overhead costs, subcontractor cost reduction, subcontractor management, and effective competition (including the utilization of small business) at the subcontract level.

(c) MODIFICATION OF GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall modify the profit guidelines described in subsection (a) so as to achieve the link described that subsection.

(d) REPORT.—Upon the completion of the modification of the profit guidelines required by subsection (c), the Secretary shall submit to the congressional defense committees a report on the actions of the Secretary under this section. The report shall set forth the following:

(1) The results of the review conducted under subsection (a).

(2) A description of the modification carried out under subsection (c).

SEC. 825. MODIFICATION OF AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) DISCRETIONARY AUTHORITY.—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

(1) in paragraph (1), by striking ''shall, not later than the date specified in paragraph (2),'' and inserting ''may'';

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(4) in paragraph (3), as redesignated by paragraph (3) of this section—

(A) by striking ''required under this subsection'' and inserting ''to be performed under this subsection''; and

(B) by striking ''shall'' and inserting ''may''; and

(5) in paragraph (4), as so redesignated, by striking ''shall'' and inserting ''may''.

(b) CONFORMING AMENDMENTS.—Subsection (b)(1)(B) of such section is amended—

(1) in clause (i), by striking ''required by subsection (a)(4)'' and inserting ''to be entered into under subsection (a)(3)''; and

(2) in clause (ii)—

(A) by striking ''required by subsection (a)'' and inserting ''provided for under subsection (a)''; and

(B) by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

SEC. 826. EXTENSION OF PILOT PROGRAM ON MANAGEMENT OF SUPPLY-CHAIN RISK.

Section 806(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4262; 10 U.S.C. 2304 note) is amended by striking ''the date that is three years after the date of the enactment of this Act'' and inserting ''January 1, 2016''.

SEC. 827. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeits in the military supply chain.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211–7003 (entitled ''Item Identification and Valuation'') of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 841. APPLICABILITY OF TRUTH IN NEGOTIATIONS ACT TO MAJOR SYSTEMS AND RELATED SUBSYSTEMS, COMPONENTS, AND SUPPORT SERVICES.

(a) AUTHORITY TO REQUIRE SUBMISSION OF COST OR PRICING DATA.—Subsection (c) of section 2306a of title 10, United States Code, is amended—

(1) in the subsection caption, by striking ''BELOW-THRESHOLD'' and inserting ''CERTAIN''; and

(2) in paragraph (2), by inserting before the period at the end the following: '', except in the case of either of the following:

''(A) A major system or a subsystem or component thereof that is not a commercially available off-the-shelf item (as defined in section 104 of title 41) and was not developed exclusively at private expense as demonstrated in accordance with the requirements of section 2321(f)(2) of this title.

''(B) Services that are procured for support of a system, subsystem, or component described in subparagraph (A).''.

(b) AUTHORITY TO REQUIRE SUBMISSION OF OTHER INFORMATION.—Subsection (d)(1) of such section is amended by striking ''at a

minimum'' and all that follows and inserting ''at a minimum—

''(A) appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement; and

''(B) in the case of a system, subsystem, component, or services described in subparagraph (A) or (B) of subsection (c)(2) for which price information described in subparagraph (A) of this paragraph is not adequate to evaluate price reasonableness, uncertified cost data that is adequate for evaluating the reasonableness of the price for the procurement.''.

(c) TECHNICAL AMENDMENT.—Subsection (c)(3) of such section is amended by striking ''paragraph'' and inserting ''subsection''.

SEC. 842. MAXIMUM AMOUNT OF ALLOWABLE COSTS OF COMPENSATION OF CONTRACTOR EMPLOYEES.

(a) MODIFICATION OF MAXIMUM AMOUNT.—Section 2324(e)(1)(P) of title 10, United States Code, is amended by striking ''the benchmark'' and all that follows through ''section 1127 of title 41'' and inserting ''the annual amount payable under the aggregate limitation on pay as established by the Office of Management and Budget (currently $230,700)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2013, and shall apply with respect to costs of compensation incurred on or after that date under contracts entered into before, on, or after that date.

(c) REPORT ON ALLOWABLE COSTS OF EMPLOYEE COMPENSATION.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).

(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(7) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

SEC. 843. DEPARTMENT OF DEFENSE ACCESS TO AND USE OF CONTRACTOR INTERNAL AUDIT REPORTS.

(a) CLARIFICATION OF AUDIT ACCESS AUTHORITY.—Section 2313(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking ''or'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(E) the efficacy of contractor or subcontractor internal controls and the reliability of contractor or subcontractor business systems.''.

(b) GUIDANCE ON ACCESS.—

(1) GUIDANCE REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Contract Audit Agency shall issue revised guidance on Defense Contract Audit Agency auditor access to defense contractor internal audit reports and supporting materials.

(2) PURPOSE.—The purpose of the guidance issued pursuant to paragraph (1) shall be to ensure that the Defense Contract Audit Agency has sufficient access to contractor internal audit reports and supporting materials in order to—

(A) evaluate and test the efficacy of contractor internal controls and the reliability of associated contractor business systems; and

(B) assess the amount of risk and level of testing required in connection with specific audits to be conducted by the Agency.

(3) MATTERS TO BE ADDRESSED.—The guidance issued pursuant to paragraph (1) shall address, at a minimum, the following:

(A) The extent to which Defense Contract Audit Agency auditors should request access to defense contractor internal audit reports and supporting materials.

(B) The circumstances in which follow-up actions, including subpoenas, may be required to ensure Agency access to audit reports and supporting materials.

(C) The designation of Agency audit officials responsible for coordinating issues pertaining to Agency requests for audit reports and supporting materials.

(D) The purposes for which Agency auditors may use audit reports and supporting materials.

(E) Any protections that may be required to ensure that audit reports and supporting materials are not misused.

(F) Requirements for tracking Agency requests for audit reports and supporting materials.

(c) FAILURE TO PROVIDE ACCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the program required by section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4311; 10 U.S.C. 2302 note) in order to—

(1) ensure that any assessment of the adequacy of contractor business systems takes into account the efficacy of contractor internal controls, including contractor internal audit reports and supporting materials, that are relevant to such assessment; and

(2) provide that the refusal of a contractor to permit access to contractor internal audit reports and supporting materials that are relevant to such an assessment is a basis for disapproving the contractor business system or systems to which such materials are relevant and taking the remedial actions authorized under section 893.

SEC. 844. ENHANCEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.

(a) IN GENERAL.—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''An employee'';

(2) in paragraph (1), as so designated—

(A) by inserting ''or subcontractor'' after ''employee of a contractor'';

(B) by striking ''a Member of Congress'' and all that follows through ''the Department of Justice'' and inserting ''a person or body described in paragraph (2)'';

(C) by inserting ''an abuse of authority relating to a Department of Defense contract or grant,'' after ''Department of Defense funds,''; and

(D) by inserting '', rule, or regulation'' after ''a violation of law''; and

(3) by adding at the end the following new paragraphs:

''(2) The persons and bodies described in this paragraph are the persons and bodies as follows:

''(A) A Member of Congress or a representative of a committee of Congress.

''(B) An Inspector General.

''(C) The Government Accountability Office.

''(D) A Department of Defense employee responsible for contract oversight or management.

''(E) An authorized official of the Department of Justice or other law enforcement agency.

''(F) A court or grand jury.

''(G) A management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct.

''(3) For the purposes of paragraph (1)—

''(A) an employee who initiates or provides evidence of contractor or subcontractor misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Department of Defense contract shall be deemed to have made a disclosure covered by such paragraph; and

''(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of a Department of Defense official, unless the request takes the form of a nondiscretionary directive and is within the authority of the Department of Defense official making the request.''.

(b) INVESTIGATION OF COMPLAINTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting ''fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant,'' after ''is frivolous,'';

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting '', fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant'' after ''is frivolous''; and

(B) in subparagraph (B), by inserting '', up to 180 days,'' after ''such additional period of time''; and

(3) by adding at the end the following new paragraphs:

''(3) The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

''(A) made with the consent of the person alleging the reprisal;

''(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

''(C) necessary to conduct an investigation of the alleged reprisal.

''(4) A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.''.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking ''the compensation (including back pay)'' and inserting ''compensatory damages (including back pay)'';

(2) in paragraph (2), by adding at the end following new sentence: ''An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.'';

(3) in paragraph (4), by striking ''and compensatory and exemplary damages.'' and inserting '', compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the agency.'';

(4) in paragraph (5), by adding at the end the following new sentence: ''Filing such an appeal shall not act to stay the enforcement of the order of the head of an agency, unless a stay is specifically entered by the court.''; and

(5) by adding at the end the following new paragraphs:

''(6) The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

''(7) The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.''.

(d) NOTIFICATION OF EMPLOYEES.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) NOTIFICATION OF EMPLOYEES.—The Secretary of Defense shall ensure that contractors and subcontractors of the Department of Defense inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.''.

(e) ABUSE OF AUTHORITY DEFINED.—Subsection (f) of such section, as redesignated by subsection (d)(1) of this section, is further amended by adding at the end the following new paragraph:

''(6) The term 'abuse of authority' means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the Department of Defense or the successful performance of a Department of Defense contract or grant.''.

(f) ALLOWABILITY OF LEGAL FEES.—Section 2324(k) of such title is amended—

(1) in paragraph (1), by striking ''commenced by the United States or a State'' and inserting ''commenced by the United States, by a State, or by a contractor employee submitting a complaint under section 2409 of this title''; and

(2) in paragraph (2)(C), by striking ''the imposition of a monetary penalty'' and inserting ''the imposition of a monetary penalty or an order to take corrective action under section 2409 of this title''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF DOD SUPPLEMENT TO THE FAR.—Not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DEFENSE CONTRACTORS.

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

''(a) PROHIBITION OF REPRISALS.—

''(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

''(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

''(A) A Member of Congress or a representative of a committee of Congress.

''(B) An Inspector General.

''(C) The Government Accountability Office.

''(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

''(E) An authorized official of the Department of Justice or other law enforcement agency.

''(F) A court or grand jury.

''(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

''(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

''(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

''(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

''(b) INVESTIGATION OF COMPLAINTS.—

''(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

''(2) INSPECTOR GENERAL ACTION.—

''(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

''(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

''(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

''(A) made with the consent of the person alleging the reprisal;

''(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

''(C) necessary to conduct an investigation of the alleged reprisal.

''(4) TIME LIMITATION.—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

''(c) REMEDY AND ENFORCEMENT AUTHORITY.—

''(1) IN GENERAL.—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

''(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

''(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

''(C) Order the contractor or grantee to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

''(2) EXHAUSTION OF REMEDIES.—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

''(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

''(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

''(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

''(6) BURDENS OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

''(7) RIGHTS AND REMEDIES NOT WAIVABLE.—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.

''(d) NOTIFICATION OF EMPLOYEES.—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

''(e) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

''(f) DEFINITIONS.—In this section:

''(1) The term 'abuse of authority' means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

''(2) The term 'Inspector General' means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4712. Contractor and grantee employees: protection from reprisal for disclosure of certain information.''.

(b) ALLOWABILITY OF LEGAL FEES.—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking ''commenced by the Federal Government or a State'' and inserting ''commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title''; and

(2) in subsection (c)(3), by striking ''the imposition of a monetary penalty'' and inserting ''the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

SEC. 845. EXTENSION OF CONTRACTOR CONFLICT OF INTEREST LIMITATIONS.

(a) ASSESSMENT OF EXTENSION OF LIMITATIONS TO CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review the guidance on personal conflicts of interest for contractor employees issued pursuant to section 841(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4537) in order to determine whether it would be in the best interest of the Department of Defense and the taxpayers to extend such guidance to personal conflicts of interest by contractor personnel performing any of the following:

(1) Functions other than acquisition functions that are closely associated with inherently governmental functions (as that term is defined in section 2383(b)(3) of title 10, United States Code).

(2) Personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(3) Contracts for staff augmentation services (as that term is defined in section 808(d)(3) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1490)).

(b) EXTENSION OF LIMITATIONS.—If the Secretary determines pursuant to the review under subsection (a) that the guidance on personal conflicts of interest should be extended, the Secretary shall revise the Defense Supplement to the Federal Acquisition Regulation to the extent necessary to achieve such extension.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the following:

(1) A summary of the review conducted under subsection (a).

(2) A summary description of any revisions of regulations carried out under subsection (b).

SEC. 846. REPEAL OF SUNSET FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.

Section 2304c(e) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) EXCLUDED CONTRACTS.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MATTERS INCLUDED.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

SEC. 848. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.

(a) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) in subparagraph (A), by striking ''who are economically disadvantaged'';

(2) in subparagraph (C), by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(3) by striking subparagraph (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

''(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

''(1) STUDY.—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

''(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.''.

Subtitle D—Provisions Relating to Wartime Contracting

SEC. 860. SHORT TITLE.

This subtitle may be cited as the ''Wartime Contracting Reform Act of 2012''.

SEC. 861. RESPONSIBILITY WITHIN DEPARTMENT OF DEFENSE FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) RESPONSIBILITY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations the chain of authority and responsibility within the Department of Defense for policy, planning, and execution of contract support for overseas contingency operations.

(2) ELEMENTS.—The regulations under paragraph (1) shall, at a minimum—

(A) specify the officials, offices, and components of the Department within the chain of authority and responsibility described in paragraph (1);

(B) identify for each official, office, and component specified under subparagraph (A)—

(i) requirements for policy, planning, and execution of contract support for overseas contingency operations, including, at a minimum, requirements in connection with—

(I) coordination of functions, authorities, and responsibilities related to operational contract support for overseas contingency operations;

(II) assessments of total force data in support of Department force planning scenarios, including the appropriateness of and necessity for the use of contractors for identified functions;

(III) determinations of capability requirements for non-acquisition community operational contract support, and identification of resources required for planning, training, and execution to meet such requirements;

(IV) determinations of policy regarding the use of contractors by function, and identification of the training exercises that will be required for contract support (including an assessment whether or not such exercises will include contractors); and

(V) establishment of an inventory, and identification of areas of high risk and trade offs, for use of contract support in overseas contingency operations and for areas in which members of the Armed Forces will be used in such operations instead of contract support; and

(ii) roles, authorities, responsibilities, and lines of supervision for the achievement of the requirements identified under clause (i), including the position within the chain of authority and responsibility described in paragraph (1) with responsibility for reporting directly to the Secretary regarding policy, planning, and execution of contract support for overseas contingency operations; and

(C) ensure that the chain of authority and responsibility described in paragraph (1) is appropriately aligned with, and appropriately integrated into, the structure of the Department for the conduct of overseas contingency operations, including the military departments, the Joint Staff, and the commanders of the unified combatant commands.

(b) SECRETARY OF DEFENSE REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the regulations prescribed under subsection (a). The report shall set forth the following:

(1) The regulations.

(2) A comprehensive description of the requirements identified under clause (i) of subsection (a)(2)(B), and a comprehensive description of the manner in which the roles, authorities, responsibilities, and lines of supervision under clause (ii) of that subsection will further the achievement of such requirements.

(3) A comprehensive description of the manner in which the regulations will meet the requirements in subsection (a)(2)(C).

(c) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the Department of Defense in implementing the regulations prescribed under subsection (a). The report may include such additional comments and information on the regulations and the implementation of the regulations as the Comptroller General considers appropriate.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 862. ANNUAL REPORTS ON CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS INVOLVING COMBAT OPERATIONS.

(a) REPORTS REQUIRED.—

(1) DEPARTMENT OF DEFENSE.—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of Defense shall, except as provided in subsection (b), submit to the appropriate committees of Congress a report on contract support for the Department of Defense for the operation.

(2) DEPARTMENT OF STATE AND USAID.—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of State and the Administrator of the United States Agency for International Development shall, except as provided in subsection (b), each submit to the appropriate committees of Congress a report on contract support for the operation for the Department of State or the United States Agency for International Development, as the case may be.

(b) EXCEPTION.—If the total annual amount of obligations for contracts for support of a contingency operation otherwise described by subsection (a) do not exceed $250,000,000 in an annual reporting period otherwise covered by that subsection, no report shall be required on the operation under that subsection for that annual reporting period.

(c) ELEMENTS.—

(1) IN GENERAL.—Each report of an agency under subsection (a) regarding an operation shall set forth the following:

(A) A description and assessment of the policy, planning, management, and oversight of the agency with respect to contract support for the operation.

(B) With respect to contracts entered into in connection with the operation:

(i) The total number of contracts entered into as of the date of such report.

(ii) The total number of such contracts that are active as of such date.

(iii) The total value of contracts entered into as of such date.

(iv) The total value of such contracts that are active as of such date.

(v) An identification of the extent to which the contracts entered into as of such date were entered into using competitive procedures.

(vi) The total number of contractor personnel working under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(vii) The total number of contractor personnel performing security functions under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(viii) The total number of contractor personnel killed or wounded under any contracts entered into.

(C) The sources of information and data used to prepare the portion of such report required by subparagraph (B).

(D) A description of any known limitations of the information or data reported under subparagraph (B), including known limitations in methodology or data sources.

(E) Any plans for strengthening collection, coordination, and sharing of information on contracts entered into in connection with the operation.

(2) ESTIMATES.—In determining the total number of contractor personnel working under contracts for purposes of paragraph (1)(B)(vi), the Secretary or the Administrator may use estimates for any category of contractor personnel for which such Secretary or the Administrator, as the case may be, determines it is not feasible to provide an actual count. Each report under subsection (a) shall fully disclose the extent to which such an estimate is used in lieu of an actual count.

(d) PROHIBITION ON PREPARATION BY CONTRACTOR PERSONNEL.—A report under subsection (a) may not be prepared by contractor personnel.

(e) USE OF EXISTING REPORTS FOR CERTAIN CONTINGENCY OPERATIONS.—The requirement to submit reports under subsection (a) on a contingency operation in Iraq or Afghanistan may be met by the submittal of the reports required by section 863 of the National

Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 863. INCLUSION OF CONTRACT SUPPORT IN CERTAIN REQUIREMENTS FOR DEPARTMENT OF DEFENSE PLANNING, JOINT PROFESSIONAL MILITARY EDUCATION, AND MANAGEMENT STRUCTURE.

(a) READINESS REPORTING SYSTEM.—Section 117(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) Measure, on an annual basis, the capability of operational contract support to support current and anticipated wartime missions of the armed forces.''.

(b) CONTINGENCY PLANNING AND PREPAREDNESS FUNCTIONS OF CJCS.—Section 153(a)(3) of such title is amended by adding at the end the following new subparagraph:

''(E) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretaries of the military departments, the heads of the Defense Agencies, and the commanders of the combatant commands, determining the operational contract support requirements of the armed forces and recommending the resources required to improve and enhance operational contract support for the armed forces and planning for such operational contract support.''.

(c) JOINT PROFESSIONAL MILITARY EDUCATION.—

(1) CONTINGENCY OPERATIONS AS MATTER WITHIN COURSE OF JPME.—Section 2151(a) of such title is amended by adding at the end the following new paragraph:

''(6) Contingency operations.''.

(2) CURRICULUM FOR THREE-PHASE APPROACH.—Section 2154 of such title is amended by adding at the end the following new subsection:

''(c) CURRICULUM RELATING TO CONTINGENCY OPERATIONS.—(1) The curriculum for each phase of joint professional military education implemented under this section shall include content appropriate for such phase on the following:

''(A) Requirements definition.

''(B) Contingency program management.

''(C) Contingency contracting.

''(D) The strategic impact of contracting on military missions.

''(2) In this subsection, the terms 'requirements definition', 'contingency program management', and 'contingency contracting' have the meaning given those terms in section 2333(f) of this title.''.

(d) MANAGEMENT STRUCTURE.—Section 2330(c)(2) of such title is amended by striking ''other than services'' and all that follows and inserting ''including services in support of contingency operations. The term does not include services relating to research and development or military construction.''.

SEC. 864. RISK ASSESSMENT AND MITIGATION FOR CONTRACTOR PERFORMANCE OF CRITICAL FUNCTIONS IN SUPPORT OF OVERSEAS CONTINGENCY OPERATIONS.

(a) COMPREHENSIVE RISK ASSESSMENT AND MITIGATION PLAN REQUIRED.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than six months after the commencement or designation of an overseas contingency operation that includes or is expected to include combat operations, the head of each covered agency shall perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions in support of the operation for such covered agency.

(2) EXCEPTIONS.—Except as provided in paragraph (3), a risk assessment and risk mitigation plan shall not be required under paragraph (1) for an overseas contingency operation if both—

(A) the operation is not expected to continue for more than one year; and

(B) the total annual amount of obligations by the United States Government for contracts for support of or in connection with the operation is not expected to exceed, $250,000,000 in any fiscal year.

(3) TERMINATION OF EXCEPTIONS.—Notwithstanding paragraph (2), the head of a covered agency shall perform a risk assessment and develop a risk mitigation plan under paragraph (1) for an overseas contingency operation with regard to which a risk assessment and risk mitigation plan has not previously been performed under paragraph (1) not later than 60 days after the first date on which either of the following occurs:

(A) The operation has continued for more than one year.

(B) The total amount of obligations by the United States Government for contracts for support of or in connection with the operation has exceeded $250,000,000 in a fiscal year.

(b) COMPREHENSIVE RISK ASSESSMENTS.—A comprehensive risk assessment for an overseas contingency operation under subsection (a) shall consider, at a minimum, risks relating to the following:

(1) The goals and objectives of the operation (such as risks from behavior that injures innocent members of the local population or outrages their sensibilities).

(2) The continuity of the operation (such as risks from contractors walking off the job or being unable to perform when there is no timely back-up available).

(3) The safety of military and civilian personnel of the United States if the presence or performance of contractor personnel creates unsafe conditions or invites attack.

(4) The managerial control of the Government over the operation (such as risks from over-reliance on contractors to monitor other contractors with inadequate means for Government personnel to monitor their work).

(5) The critical organic or core capabilities of the Government, including critical knowledge or institutional memory of key operations areas and subject-matter expertise.

(6) The ability of the Government to control costs, avoid organizational or personal conflicts of interest, and minimize waste, fraud, and abuse.

(c) RISK MITIGATION PLANS.—A risk mitigation plan for an overseas contingency operation under subsection (a) shall include, at a minimum, the following:

(1) For each high risk area identified in the comprehensive risk assessment for the operation performed under subsection (a)—

(A) specific actions to mitigate or reduce such risk, including, but not limited to, the development of alternative capabilities to reduce reliance on contractor performance of critical functions;

(B) measurable milestones for the implementation of planned risk mitigation or risk reduction measures; and

(C) a process for monitoring, measuring, and documenting progress in mitigating or reducing risk.

(2) A continuing process for identifying and addressing new and changed risks arising in the course of the operation, including the periodic reassessment of risks and the development of appropriate risk mitigation or reduction plans for any new or changed high risk area identified.

(d) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after the completion of a comprehensive risk assessment and risk mitigation plan under subsection (a), the head of the covered agency concerned shall submit to the appropriate committees of Congress a report setting forth a summary description of the assessment and plan, including a description of the risks identified through the assessment and the actions to be taken to address such risks.

(2) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) CRITICAL FUNCTIONS.—For purposes of this section, critical functions include, at a minimum, the following:

(1) Private security functions, as that term is defined in section 864(a)(5) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(2) Training and advising government personnel, including military and security personnel, of a host nation.

(3) Conducting intelligence or information operations.

(4) Any other functions that are closely associated with inherently governmental functions, including the functions set forth in section 7.503(d) of the Federal Acquisition Regulation.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term ''covered agency'' means the following:

(A) The Department of Defense.

(B) The Department of State.

(C) The United States Agency for International Development.

(3) The term ''overseas contingency operation'' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 865. EXTENSION AND MODIFICATION OF REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) TWO-YEAR EXTENSION OF REQUIREMENT FOR JOINT REPORT.—Subsection (a)(5) of section 863 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note) is amended by striking ''February 1, 2013'' and inserting ''February 1, 2015''.

(b) REPEAL OF COMPTROLLER GENERAL REVIEW.—Such section is further amended by striking subsection (b).

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Such section is further amended—

(A) by striking ''JOINT REPORT REQUIRED.—'' and all that follows through ''paragraph (6)'' and inserting ''IN GENERAL.—Except as provided in subsection (f)'';

(B) by striking ''this subsection'' each place it appears and inserting ''this section'';

(C) by redesignating paragraphs (2) through (7) as subsections (b) through (g), respectively, and indenting the left margins of such subsections, as so redesignated, two ems from the left margin;

(D) in subsection (b), as redesignated by subparagraph (C) of this paragraph, by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively, and indenting the left margin of such paragraphs, as so redesignated, four ems from the left margin;

(E) in subsection (c), as redesignated by subparagraph (C) of this paragraph—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting the left margin of such paragraphs, as so redesignated, four ems from the left margin; and

(ii) by striking ''paragraph (2)'' each place it appears and inserting ''subsection (b)'';

(F) in subsection (f), as redesignated by subparagraph (C) of this paragraph, by striking ''this paragraph'' and inserting ''this subsection''; and

(G) in subsection (g), as so redesignated, by striking ''paragraph (2)(F)'' and inserting ''subsection (b)(6)''.

(2) HEADING AMENDMENT.—The heading of such section is amended by striking ''**AND COMPTROLLER GENERAL REVIEW**''.

SEC. 866. EXTENSION OF TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

(a) EXTENSION.—Subsection (f) of section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399) is amended by striking ''on or after the date occurring three years after the date of the enactment of this Act'' and inserting ''after December 31, 2014''.

(b) REPEAL OF EXPIRED REPORTING REQUIREMENT.—Subsection (g) of such section is repealed.

(c) CLERICAL AMENDMENT.—The heading of such section is amended by striking ''**; REPORT**''.

SEC. 867. COMPLIANCE WITH BERRY AMENDMENT REQUIRED FOR UNIFORM COMPONENTS SUPPLIED TO AFGHANISTAN MILITARY OR AFGHANISTAN NATIONAL POLICE.

(a) REQUIREMENT.—In the case of any textile components supplied by the Department of Defense to the Afghanistan National Army or the Afghanistan National Police for purposes of production of uniforms, section 2533a of title 10, United States Code, shall apply, and no exceptions or exemptions under that section shall apply.

(b) EFFECTIVE DATE.—This section shall apply to solicitations issued and contracts awarded for the procurement of textile components described in subsection (a) after the date of the enactment of this Act.

SEC. 868. SENSE OF SENATE ON THE CONTRIBUTIONS OF LATVIA AND OTHER NORTH ATLANTIC TREATY ORGANIZATION MEMBER NATIONS TO THE SUCCESS OF THE NORTHERN DISTRIBUTION NETWORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The remote and austere environments in which United States troops are required to operate as part of the International Security Assistance Force (ISAF) mission in Afghanistan have increased the need for reliable lines of supply in southwest Asia.

(2) The country of Afghanistan presents unique logistics challenges, which have precipitated the development of several redundant lines of supply.

(3) United States Transportation Command and the Defense Logistics Agency (DLA), in consultation with United States Embassy officials and other parties, have successfully established memoranda of understanding and other agreements with nations in and around southwest Asia to ensure the reliability of lines of supply to Afghanistan.

(4) The lines of supply through Pakistan have been repeatedly threatened by instability in that country. Airlifting goods to Afghanistan, while safer, is expensive.

(5) The Northern Distribution Network (NDN) was established in late 2008 to ensure that a safe and cost-effective line of supply is available for United States troops in Afghanistan.

(6) The two prongs of supply provided by the Northern Distribution Network ship nonlethal goods from the Baltic ports in the north and the Caucauses in the west to southwest Asia and Afghanistan.

(7) The Northern Distribution Network has been successful and now handles more than 50 percent of cargo shipped to Afghanistan.

(8) North Atlantic Treaty Organization (NATO) member nations along the Northern Distribution Network routes have contributed significantly to the success of the Northern Distribution Network.

(9) The United States has strong economic ties to Northern Distribution Network nations that are members of the North Atlantic Treaty Organization, and these nations may be able to provide quality goods and services for near and long-term use by the Department of Defense.

(10) Since 2009 the port of Riga, on the Baltic Sea, has been a critical overland entry point for goods being shipped using the Northern Distribution Network. Latvia is a member of the North Atlantic Treaty Organization and has been an ally of the United States in the region for many years.

(11) In September 2010, the Defense Logistics Agency, the General Services Administration, and other parties hosted a local procurement conference in Riga, Latvia.

(12) One hundred nine Latvian vendors attended the September 2010 conference in Riga, and contracts with Latvian vendors have been entered into as a result.

(13) In May 2012, Latvia hosted an international workshop in Riga to examine ways of transforming the Northern Distribution Network from a route for the delivery of United States and other Allies' non-lethal goods to Afghanistan into a commercial route that would support the economic growth of Afghanistan and the southwest Asia region.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes are key economic and security partners of the United States and are to be commended for their contribution to ensuring United States and International Security Assistance Force troops have reliable lines of supply to achieve the mission in Afghanistan;

(2) when quality products at competitive prices are available, significant effort should be made to procure goods locally from Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes; and

(3) Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes remain allies of the United States in the region, and a mutually beneficial relationship should continue to be cultivated between the United States and Latvia and such other nations in the future.

SEC. 869. RESPONSIBILITIES OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8L as section 8M; and

(2) by inserting after section 8K the following new section 8L:

''SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS.

''(a) IN GENERAL.—Upon the commencement or designation of a military operation as an overseas contingency operation that exceeds 90 days, the Inspectors General specified in subsection (b) shall have the responsibilities specified in this section.

''(b) INSPECTORS GENERAL.—The Inspectors General specified in this subsection are the Inspectors General as follows:

''(1) The Inspector General of the Department of Defense.

''(2) The Inspector General of the Department of State.

''(3) The Inspector General of the United States Agency for International Development.

''(c) STANDING COMMITTEE ON OVERSEAS CONTINGENCY OPERATIONS.—(1) The Council of Inspectors General on Integrity and Efficiency (CIGIE) shall establish a standing committee on overseas contingency operations. The standing committee shall consist of the following:

''(A) A chair, who shall be the Lead Inspector General for an overseas contingency operation under subsection (d) if such an operation is underway, and shall be an Inspector General specified in subsection (b) selected by the Inspectors General specified in that subsection from among themselves if such an operation is not underway.

''(B) The other Inspectors General specified in subsection (b).

''(C) For the duration of any contingency operation that exceeds 90 days, any other inspectors general determined by the chair, in coordination with the other Inspectors General specified in subsection (b), to have actual or potential areas of responsibility with respect to the contingency operation.

''(2) The standing committee shall have such on-going responsibilities, including planning, coordination, and development of practices, to improve oversight of overseas contingency operations as the chair considers appropriate.

''(3)(A) For the duration of any contingency operation that exceeds 90 days, the standing committee shall develop and update on an annual basis a joint-strategic plan for ongoing and planned oversight of the contingency operation by the Inspectors General specified in subsection (b) and designated pursuant to paragraph (1)(C), including the following:

''(i) Audit and available inspection plans.

''(ii) An overall assessment of such oversight, including projects or areas (whether departmental or government-wide) of concern or in need of further review.

''(iii) Such other matters as the Lead Inspector General for the contingency operation considers appropriate.

''(B) Each plan under this paragraph, and any update of such plan, shall be made available on an Internet website available to the public. Each plan, and any update of such plan, made so available shall be made available in unclassified form.

''(d) LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.—(1) There shall be a lead inspector general for each overseas contingency operation that exceeds 90 days (in this section referred to as the 'Lead Inspector General' for the contingency operation concerned).

''(2) The Lead Inspector General for a contingency operation shall be the Inspector General of the Department of Defense, who shall assume such role not later than 90 days after the commencement or designation of the military operation concerned as a contingency operation.

''(e) RESPONSIBILITIES OF LEAD INSPECTOR GENERAL.—(1) The Lead Inspector General

for an overseas contingency operation shall have the following responsibilities:

''(A) To conduct oversight, in full coordination with the other Inspectors General specified in subsection (b), over all aspects of the contingency operation and to ensure, either through joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of all departments and agencies in the contingency operation.

''(B) To appoint, from among the offices of the other Inspectors General specified in subsection (b), an Inspector General to act as Associate Inspector General for the overseas contingency operation who shall act in a coordinating role to assist the Lead Inspector General in the discharge of responsibilities under this subsection.

''(C)(i) If none of the Inspectors General specified in subsection (b) has principal jurisdiction over a matter with respect to the contingency operation, to exercise responsibility for discharging oversight responsibilities in accordance with this Act with respect to such matter.

''(ii) If more than one of the Inspectors General specified in subsection (b) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

''(D) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (b) of duties relating to the contingency operation as the Lead Inspector General shall specify.

''(2) The Lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applicable to the Inspectors General specified in subsection (b) under this Act.

''(f) REPORTS.—(1) The Lead Inspector General for an overseas contingency operation shall, in coordination with the other Inspectors General specified in subsection (b), submit to the appropriate committees of Congress on a semi-annual basis, and make available on an Internet website available to the public, a report summarizing, for the semi-annual period, the activities of the Lead Inspector General and the other Inspectors General specified in subsection (b) with respect to the contingency operation, including—

''(A) the status and results of audits, inspections, and closed investigations, and of the number of referrals to the Department of Justice;

''(B) updates and changes to overall plans for the review of the contingency operation by inspectors general, including plans for inspections and audits; and

''(C) the activities under programs and operations funded with amounts appropriated or otherwise made available for the overseas contingency operation, including the information specified in paragraph (2).

''(2) The information specified in this paragraph with respect to an overseas contingency operation is as follows:

''(A) Obligations and expenditures of appropriated funds.

''(B) A project-by-project and program-by-program accounting of the costs incurred to date for the contingency operation, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and program above the simplified acquisition threshold.

''(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

''(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

''(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the contingency operation.

''(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (3) with respect to the contingency operation—

''(i) the amount of the contract, grant, agreement, or other funding mechanism;

''(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

''(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

''(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

''(3) A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for reconstruction and other related activities in the contingency operation concerned with any public or private sector entity, including any of the following purposes:

''(A) To build or rebuild physical infrastructure.

''(B) To establish or reestablish a political or societal function or institution.

''(C) To provide products or services.

''(4) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(g) TEMPORARY EMPLOYMENT AUTHORITY.—(1) Each Inspector General specified in subsection (b) may employ, on a temporary basis using the authorities in section 3161 of title 5, United States Code (but without regard to subsections (a) and (b)(2) of such section), such auditors, inspectors, investigators, and other personnel as such Inspector General considers appropriate for purposes of assisting such Inspector General in discharging responsibilities under subsection (e) with respect to an overseas contingency operation.

''(2) The employment under this subsection of an annuitant described in section 9902(g) of title 5, United States Code, shall be governed by the provisions of such section as if the position to which employed was a position in the Department of Defense.

''(3) The employment under this subsection of an annuitant receiving an annuity under the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) shall be treated as employment in an elective position in the Government on a temporary basis under section 824(b) of the Foreign Service Act of 1980 (22 U.S.C. 4064(b)) for which continued receipt of annuities may be elected as provided in such section.

''(4) The authority to employ personnel under this subsection for a contingency operation shall cease as provided for in subsection (h).

''(h) SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the earlier of—

''(1) the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than $250,000,000 (in constant fiscal year 2012 dollars); or

''(2) the date that is 18 months after the date of the issuance by the Secretary of Defense of an order terminating the contingency operation.

''(i) CONSTRUCTION OF AUTHORITY.—Nothing in this Act shall be construed to limit the ability of the Inspectors General specified in subsection (b) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight responsibilities in accordance with this Act with respect to overseas contingency operations.

''(j) DEFINITIONS.—In this section:

''(1) The term 'overseas contingency operation' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

''(2) The term 'simplified acquisition threshold' has the meaning provided that term in section 2302(7) of title 10, United States Code.''.

(b) CONFORMING AMENDMENT RELATING TO TEMPORARY EMPLOYMENT AUTHORITY.—Section 3161 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(j) LEAD INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS AS TEMPORARY ORGANIZATION.—In addition to the meaning given that term in subsection (a), the term 'temporary organization' for purposes of this subchapter shall, without regard to subsections (a) and (b)(2) of this section, also include the Lead Inspector General for an overseas contingency operation under section 8L of the Inspector General Act of 1978 and the Inspectors General and inspector general office personnel assisting the Lead Inspector General in the discharge of responsibilities and authorities under subsection (e) of such section 8L with respect to the contingency operation.''.

SEC. 870. AGENCY REPORTS AND INSPECTOR GENERAL AUDITS OF CERTAIN INFORMATION ON OVERSEAS CONTINGENCY OPERATIONS.

(a) AGENCY REPORTS.—Not later than 180 days after the commencement or designation of a military operation as an overseas contingency operation and semi-annually thereafter during the duration of the contingency operation, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each make available to the Inspector General of the department or agency concerned the information required by subsection (f)(2) of section 8L of the Inspector General Act of 1978 (as amended by section 869 of this Act) on the contingency operation.

(b) INSPECTOR GENERAL AUDITS.—Not later than 90 days after receipt of a report under subsection (a), each Inspector General referred to in that subsection shall—

(1) perform an audit on the quality of the information submitted in such report, including an assessment of the completeness

and accuracy of the information and the extent to which the information fully satisfies the requirements of such Inspector General in preparing the semi-annual report described in subsection (f)(1)(C) of section 8L of the Inspector General Act of 1978 (as so amended); and

(2) submit to the appropriate committees of Congress a report on the reliability, accuracy, and completeness of the information, including any significant problems in such information.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term ''overseas contingency operation'' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 871. OVERSIGHT OF CONTRACTS AND CONTRACTING ACTIVITIES FOR OVERSEAS CONTINGENCY OPERATIONS IN RESPONSIBILITIES OF CHIEF ACQUISITION OFFICERS OF FEDERAL AGENCIES.

(a) IN GENERAL.—Subsection (b)(3) of section 1702 of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

''(F) advising the executive agency on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensuring the compliance of the contracts and contracting activities of the agency with such policy;''.

(b) DEFINITION.—Such section is further amended by adding at the following new subsection:

''(d) OVERSEAS CONTINGENCY OPERATIONS DEFINED.—In this section, the term 'overseas contingency operations' means military operations outside the United States and its territories and possessions that are a contingency operation (as that term is defined in section 101(a)(13) of title 10).''.

SEC. 872. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) DOS AND USAID REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall, in consultation with the Chief Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

(A) Collection, inventory, and reporting of data.

(B) Acquisition planning.

(C) Solicitation and award of contracts.

(D) Requirements development and management.

(E) Contract tracking and oversight.

(F) Performance evaluations.

(G) Risk management.

(H) Interagency coordination and transition planning.

(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

(c) COMPTROLLER GENERAL REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 873. PROFESSIONAL EDUCATION FOR DEPARTMENT OF STATE PERSONNEL ON ACQUISITION FOR DEPARTMENT OF STATE SUPPORT AND PARTICIPATION IN OVERSEAS CONTINGENCY OPERATIONS.

(a) PROFESSIONAL EDUCATION REQUIRED.—The Secretary of State shall develop and administer for Department of State personnel specified in subsection (b) a course of professional education on acquisition by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(b) COVERED DEPARTMENT OF STATE PERSONNEL.—The Department of State personnel specified in this subsection are as follows:

(1) The Chief Acquisition Officer of the Department of State.

(2) Personnel of the Department designated by the Chief Acquisition Officer, including contracting officers and other contracting personnel.

(3) Such other personnel of the Department as the Secretary of State shall designate for purposes of this section.

(c) ELEMENTS.—

(1) CURRICULUM CONTENT.—The course of professional education under this section shall include appropriate content on the following:

(A) Contingency contracting.

(B) Contingency program management.

(C) The strategic impact of contracting costs on the mission and activities of the Department of State.

(D) Such other matters relating to acquisition by the Department for Department support for, or participation in, overseas contingency operations as the Secretary of State considers appropriate.

(2) PHASED APPROACH.—The course of professional education may be broken into two or more phases of professional education with curriculum or modules of education suitable for the Department of State personnel specified in subsection (b) at different phases of professional advancement within the Department.

(d) DEFINITIONS.—In this section:

(1) The term ''contingency contracting'' means all stages of the process of acquiring property or services by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(2) The term ''contingency program management'' means the process of planning, organizing, staffing, controlling, and leading specific acquisition programs and activities of the Department of State for Department of State support for, and participation in, overseas contingency operations.

(3) The term ''overseas contingency operation'' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 874. DATABASE ON PRICE TRENDS OF ITEMS AND SERVICES UNDER FEDERAL CONTRACTS.

(a) DATABASE REQUIRED.—

(1) IN GENERAL.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 3312. Database on price trends of items and services under Federal contracts

''(a) DATABASE REQUIRED.—The Administrator shall establish and maintain a database of information on price trends for items and services under contracts with the Federal Government. The information in the database shall be designed to assist Federal acquisition officials in the following:

''(1) Monitoring developments in price trends for items and services under contracts with the Federal Government.

''(2) Conducting pricing or cost analyses for items and services under offers for contracts with the Federal Government, or otherwise conducting determinations of the reasonableness of prices for items and services under such offers, and addressing unjustified escalation in prices being paid by the Federal Government for items and services under contracts with the Federal Government.

''(b) USE.—(1) The database under subsection (a) shall be available to executive agencies in the evaluation of offers for contracts with the Federal Government for items and services.

''(2) The Secretary of Defense may satisfy the requirements of this section by complying with the requirements of section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a note).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by adding at the end the following new item:

''3312. Database on price trends of items and services under Federal contracts.''.

(b) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE PILOT PROJECT.—In establishing the database required by section 3312 of title 41, United States Code (as added by subsection (a)), the Administrator of Federal Procurement Policy shall use and incorporate appropriate elements of the pilot project on pricing of the Department of Defense being carried out by the Director of Defense Pricing.

SEC. 875. INFORMATION ON CORPORATE CONTRACTOR PERFORMANCE AND INTEGRITY THROUGH THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.

(a) INCLUSION OF CORPORATIONS AMONG COVERED PERSONS.—Subsection (b) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4555) is amended by inserting ''(including a corporation)'' after ''Any person'' both places it appears.

(b) INFORMATION ON CORPORATIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) INFORMATION ON CORPORATIONS.—The information on a corporation in the database shall, to the extent practicable, include information on any parent, subsidiary, or successor entities to the corporation in manner designed to give the acquisition officials using the database a comprehensive understanding of the performance and integrity of the corporation in carrying out Federal contracts and grants.''.

SEC. 876. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.

(2) CONSULTATION WITH USDATL.—In developing the strategy required by this subsection, the Federal Acquisition Regulatory Council shall consult with the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that the strategy is, to the extent practicable, consistent with the strategy developed by the Under Secretary pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1487; 10 U.S.C. 2302 note).

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the actions taken by the Federal Acquisition Regulatory Council pursuant to this section, including an assessment of the following:

(1) The extent to which the strategy required by subsection (a) is consistent with the strategy developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics as described in subsection (a)(2).

(2) The extent to which the actions of the Federal Acquisition Regulatory Council pursuant to this section have otherwise achieved the objectives of this section.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code, except that the term excludes the Department of Defense and the military departments.

(3) The term ''Federal Acquisition Regulatory Council'' means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

SEC. 877. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

''(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.''.

Subtitle E—Other Matters

SEC. 881. REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the head of the covered agency concerned shall ensure the following:

(1) There shall be not less than one suspension and debarment official—

(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

(B) for the Department of State; and

(C) for the United States Agency for International Development.

(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General of—

(A) in the case of the Department of Defense, either the Department of Defense or the military department or Defense Agency concerned; and

(B) in the case of any other covered agency, the acquisition office or the Inspector General of such agency.

(3)(A) Except as provided in subparagraph (B), the duties of a suspension and debarment official under paragraph (1) may include only the following:

(i) The direction, management, and oversight of suspension and debarment activities.

(ii) The direction, management, and oversight of fraud remedies activities.

(iii) Membership and participation in the Interagency Committee on Debarment and Suspension in accordance with Executive Order No. 12549 and section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (as amended by this section).

(B) The limitation in subparagraph (A) shall not be construed to prohibit a suspension and debarment official under paragraph (1) from providing authorized legal advice to the extent that the provision of such advice does not present a conflict of interest with the exercise of the duties of the suspension and debarment official under subparagraph (A).

(4) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

(5) Each suspension and debarment official under paragraph (1) shall document the basis for any decision taken pursuant to a referral in accordance with the policies established under paragraph (7), including, but not limited to, the following:

(A) Any decision to suspend or debar any person or entity.

(B) Any decision not to suspend or debar any person or entity.

(C) Any decision declining to pursue suspension or debarment of any person or entity.

(D) Any administrative agreement entered with any person or persons in lieu of suspension or debarment of such person or entity.

(6) Any decision under subparagraphs (B) through (D) of paragraph (5) shall not preclude a subsequent decision by a suspension and debarment official under paragraph (1) to suspend, debar, or enter into any administrative agreement with any person or entity based on additional information or changed circumstances. All cases, whether based on referral or internally developed, shall be documented prior to closure by the suspension and debarment official.

(7) Each suspension and debarment official under paragraph (1) shall, in consultation with the General Counsel of the covered agency concerned, establish in writing policies for the consideration of the following:

(A) Referrals of suspension and debarment matters.

(B) Suspension and debarment matters that are not referred.

(b) COVERED AGENCY DEFINED.—In subsection (a), the term ''covered agency'' means the following:

(1) The Department of Defense.

(2) The Department of State.

(3) The United States Agency for International Development.

(c) DUTIES OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.—Section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (31 U.S.C. 6101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', including with respect to contracts in connection with contingency operations'' before the semicolon; and

(B) in paragraph (7)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs

''(D) a summary of suspensions, debarments, and administrative agreements during the previous year; and

''(E) a summary of referrals of suspension and debarment matters received during the previous year, including an identification of the agencies making such referrals and an assessment of the timeliness of such referrals.''; and

(2) by striking subsection (b) and inserting the following new subsections:

''(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—The annual report required by subsection (a)(7) shall be submitted not later than 120 days after the end of the first fiscal year ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter.

''(c) DEFINITIONS.—In this section:

''(1) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

''(2) The term 'Interagency Committee on Debarment and Suspension' means the committee constituted under sections 4 and 5 of Executive Order No. 12549.''.

SEC. 881A. ADDITIONAL BASES FOR SUSPENSION OR DEBARMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide for the automatic referral of a person described in subsection (b) to the appropriate suspension and debarment official for a determination whether or not the person should be suspended or debarred.

(b) COVERED PERSONS.—A person described in this subsection is any person as follows:

(1) A person who has been charged with a Federal criminal offense relating to the award or performance of a contract of an executive agency.

(2) A person who has been alleged, in a civil or criminal proceeding brought by the United States, to have engaged in fraudulent actions in connection with the award or performance of a contract of an executive agency.

(3) A person that does not maintain an office within the United States and has been determined by the head of a contracting agency of an executive agency to have failed to pay or refund amounts due or owed to the Federal Government in connection with the performance of a contract of the executive agency.

(c) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

(2) The term ''person'' has the meaning given that term in section 1 of title 1, United States Code.

SEC. 882. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS.

(a) UNIFORM STANDARDS AND CONTROLS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall—

(1) establish uniform data standards, internal control requirements, independent verification and validation requirements, and business process rules for processing procurement requests, contracts, receipts, and invoices by the Department of Defense or other executive agencies, as applicable;

(2) establish and maintain one or more approved electronic contract writing systems that conform with the standards, requirements, and rules established pursuant to paragraph (1); and

(3) require the use of electronic contract writing systems approved in accordance with paragraph (2) for all contracts entered into by the Department of Defense or other executive agencies, as applicable.

(b) COVERED OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Defense, with respect to the Department of Defense and the military departments.

(2) The Administrator of the Office of Federal Procurement Policy, with respect to the executive agencies other than the Department of Defense and the military departments.

(c) ELECTRONIC WRITING SYSTEMS FOR DEPARTMENT OF STATE AND USAID.—Notwithstanding subsection (b)(2), the Secretary of State and the Administrator of the United States Agency for International Development may meet the requirements of subsection (a)(2) with respect to approved electronic contract writing systems for the Department of State and the United States Agency for International Development, respectively, if the Secretary and the Administrator, as the case may be, demonstrate to the Administrator of the Office of Federal Procurement Policy that prior investment of resources in existing contract writing systems will result in the most cost effective and efficient means to satisfy such requirements.

(d) PHASE-IN OF IMPLEMENTATION OF REQUIREMENT FOR APPROVED SYSTEMS.—The officials specified in subsection (b) may phase in the implementation of the requirement to use approved electronic contract writing systems in accordance with subsection (a)(3) over a period of up to five years beginning with the date of the enactment of this Act.

(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall each submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. Each report shall, at a minimum—

(1) describe the standards, requirements, and rules established pursuant to subsection (a)(1);

(2) identify the electronic contract writing systems approved pursuant to subsection (a)(2) and, if multiple systems are approved, explain why the use of such multiple systems is the most efficient and effective approach to meet the contract writing needs of the Federal Government; and

(3) provide the schedule for phasing in the use of approved electronic contract writing systems in accordance with subsections (a)(3) and (d).

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

SEC. 883. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF USE BY THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OF URGENT AND COMPELLING EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall review each of the following:

(1) The use by the Department of Defense of the unusual and compelling urgency exception to full and open competition provided in section 2304(c)(2) of title 10, United States Code.

(2) The use by each of the Department of State and the United States Agency for International Development of the unusual and compelling urgency exception to full and open competition provided in section 3304(a)(2) of title 41, United States Code.

(b) MATTERS TO BE REVIEWED.—The review of the use of an unusual and compelling urgency exception required by subsection (a) shall include a review of the following:

(1) The pattern of use of the exception by acquisition organizations within the Department of Defense, the Department of State, and the United States Agency for International Development in order to determine which organizations are commonly using the exception and the frequency of such use.

(2) The range of items or services being acquired through the use of the exception.

(3) The process for reviewing and approving justifications involving the exception.

(4) Whether the justifications for use of the exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of the exception.

(5) The extent to which the exception is used to solicit bids or proposals from only one source and the extent to which such sole-source procurements are appropriately documented and justified.

(6) The compliance of the Department of Defense, the Department of State, and the United States Agency for International Development with the requirements of section 2304(d)(3) of title 10, United States Code, or section 3304(c)(1)(B) of title 41, United States Code, as applicable, that limit the duration of contracts awarded pursuant to the exception and require approval for any such contract in excess of one year.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Comptroller General considers appropriate.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 884. AUTHORITY TO PROVIDE FEE-FOR-SERVICE INSPECTION AND TESTING BY DEFENSE CONTRACT MANAGEMENT AGENCY FOR CERTAIN CRITICAL EQUIPMENT IN THE ABSENCE OF A PROCUREMENT CONTRACT.

(a) AUTHORITY.—Section 2539b of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) make available to any person or entity, in advance of the award of a procurement contract, through contracts or other appropriate arrangements and subject to subsection (c), the services of the Defense Contract Management Agency for testing and inspection of items when such testing and inspection is determined by such Secretary to be critical to a specific program of the Department of Defense.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) DCMA SERVICES.—Services of the Defense Contract Management Agency may be made available under subsection (a)(5) only if the contract or other arrangement for those services—

''(1) holds the United States harmless if the items covered by the contract or other arrangement (whether or not tested and inspected under the contract or other arrangement) are not subsequently ordered by or delivered to the United States under a procurement contract entered into after the contract or other arrangement is entered into; and

''(2) holds the United States harmless against any claim arising out of the inspection and testing, or the use in any commercial application, of the equipment tested and inspected by the Defense Contract Management Agency under the contract or other arrangement.''.

(b) FEES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is amended—

(1) in the first sentence, by striking ''and (a)(4)'' and inserting '', (a)(4), and (a)(5)''; and

(2) in the second sentence—

(A) by inserting '', travel, and other incidental overhead expenses'' after ''salaries''; and

(B) by inserting ''or inspection'' before the period at the end.

(c) USE OF FEES.—Subsection (e) of such section, as so redesignated, is amended by striking ''and (a)(4)'' and inserting '', (a)(4), and (a)(5)''.

SEC. 885. DISESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.

(a) DISESTABLISHMENT OF BOARD.—The Defense Materiel Readiness Board established pursuant to section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is hereby disestablished.

(b) TERMINATION OF STRATEGIC READINESS FUND.—The Department of Defense Strategic Readiness Fund established by section 872(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 117 note) is hereby closed.

(c) REPEAL.—Subtitle G of title VIII of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 117 note) is repealed.

SEC. 886. MODIFICATION OF PERIOD OF WAIT FOLLOWING NOTICE TO CONGRESS OF INTENT TO CONTRACT FOR LEASES OF CERTAIN VESSELS AND VEHICLES.

Section 2401(h)(2) of title 10, United States Code, is amended by striking ''of continuous session of Congress''.

SEC. 887. EXTENSION OF OTHER TRANSACTION AUTHORITY.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''September 30, 2013'' and inserting ''September 30, 2018''.

SEC. 888. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

''(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).''.

SEC. 889. REPORT BY THE SUSPENSION AND DEBARMENT OFFICIALS OF THE MILITARY DEPARTMENTS AND THE DEFENSE LOGISTICS AGENCY.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the suspension and debarment official of each agency specified in subsection (b) shall submit to the congressional defense committees a report on the suspension and debarment activities of such official containing the information specified in subsection (c).

(b) COVERED AGENCIES.—The agencies specified in this subsection are the following:

(1) The Department of the Army.

(2) The Department of the Navy.

(3) The Department of the Air Force.

(4) The Defense Logistics Agency.

(c) COVERED INFORMATION.—The information specified in this subsection to be included in the report of a suspension and debarment official under subsection (a) is the following:

(1) The number of open suspension and debarment cases of such official as of the date of such report.

(2) The current average processing time for suspension and debarment cases.

(3) The target goal of such official for average processing time for suspension and debarment proposals.

(4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—

(A) an explanation why the average time exceeds the target goal by more than twice the target goal; and

(B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

SEC. 889A. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term ''small arms'' means—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

(2) The term ''small arms ammunition'' means ammunition or ordnance for—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

SEC. 889B. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.

(a) ANNUAL STUDY AND REPORT.—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) REPORT CONTENTS.—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:

(1) An assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SEC. 889C. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air

Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) CONTENT.—The plan required under subsection (a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future ''on-ramps'' under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

SEC. 889D. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

SEC. 889E. SMALL BUSINESS HUBZONES.

(a) DEFINITION.—In this section, the term ''covered base closure area'' means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—

(1) IN GENERAL.—Subject to paragraph (2), a covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

(2) LIMITATION.—The total period of time that a covered base closure area is treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.

Subtitle F—Ending Trafficking in Government Contracting

SEC. 891. SHORT TITLE.

This subtitle may be cited as the ''End Trafficking in Government Contracting Act of 2012''.

SEC. 892. DEFINITIONS.

In this subtitle:

(1) COMMERCIAL SEX ACT.—The term ''commercial sex act'' has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation).

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

(3) SUBCONTRACTOR.—The term ''subcontractor'' means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) SUBGRANTEE.—The term ''subgrantee'' means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) UNITED STATES.—The term ''United States'' has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

SEC. 893. CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking ''if the grantee or any subgrantee,'' and all that follows through the period at the end and inserting the following: ''or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

''(i) severe forms of trafficking in persons;

''(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

''(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement, or

''(iv) acts that directly support or advance trafficking in persons, including the following acts:

''(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.

''(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—

''(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

''(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

''(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

''(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

''(V) Providing or arranging housing that fails to meet the host country housing and safety standards.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.

(a) REQUIREMENT.—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds $500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative's knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) LIMITATION.—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) DISCLOSURE.—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) GUIDANCE.—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) EFFECTIVE DATE.—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

(a) REFERRAL AND INVESTIGATION.—

(1) REFERRAL.—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) INVESTIGATION.—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

(3) CRIMINAL INVESTIGATION.—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an indictment of the recipient

of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) REPORT AND DETERMINATION.—

(1) REPORT.—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) DETERMINATION.—Upon receipt of an Inspector General's report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) REMEDIAL ACTIONS.—

(1) IN GENERAL.—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) MITIGATING FACTOR.—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) AGGRAVATING FACTOR.—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.—

(1) IN GENERAL.—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) AMENDMENT TO TITLE 41, UNITED STATES CODE.—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

''(E) In an administrative proceeding—

''(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111–84); or

''(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).''.

SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.

(a) IN GENERAL.—The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 1351 of title 18, United States Code, is amended—

(1) by striking ''Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States'' and inserting ''(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly and with the intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so,''; and

(2) by adding at the end the following new subsection:

''(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.''.

(b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

''(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;'';

(4) in clause (iv), as redesignated by paragraph (2), by inserting ''and'' at the end after the semicolon; and

(5) by adding at the end the following new clause:

''(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;''.

SEC. 899. RULES OF CONSTRUCTION.

(a) LIABILITY.—Excluding section 897, nothing in this subtitle shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(b) AUTHORITY OF DEPARTMENT OF JUSTICE.—Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.

(c) PROSPECTIVE EFFECT.—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. DEFINITION AND REPORT ON TERMS ''PREPARATION OF THE ENVIRONMENT'' AND ''OPERATIONAL PREPARATION OF THE ENVIRONMENT'' FOR JOINT DOCTRINE PURPOSES.

(a) DEFINITIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall define for purposes of joint doctrine the following terms:

(1) The term ''preparation of the environment''.

(2) The term ''operational preparation of the environment''.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the terms defined under subsection (a). The report shall include the following:

(1) The definition of the term ''preparation of the environment'' pursuant to subsection (a).

(2) Examples of activities meeting the definition of the term ''preparation of the environment'' by special operations forces and general purpose forces.

(3) The definition of the term ''operational preparation of the environment'' pursuant to subsection (a).

(4) Examples of activities meeting the definition of the term ''operational preparation of the environment'' by special operations forces and general purpose forces.

(5) An assessment of the appropriate roles of special operations forces and general purpose forces in conducting activities meeting the definition of the term ''preparation of the environment'' and the definition of the term ''operational preparation of the environment''.

SEC. 902. EXPANSION OF DUTIES AND RESPONSIBILITIES OF THE NUCLEAR WEAPONS COUNCIL.

(a) GUIDANCE ON NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEMS.—Subsection (d) of section 179 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

''(10) Providing programmatic guidance on nuclear command, control and communications systems.''.

(b) BUDGET AND FUNDING MATTERS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) BUDGET AND FUNDING MATTERS.—(1) The Council shall submit to Congress each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, a certification whether or not the amounts requested for the National Nuclear Security Administration in such budget, and anticipated over the four fiscal years following such budget, meets nuclear stockpile and stockpile stewardship program requirements for such fiscal year and over such four fiscal years. If a member of the Council does not concur in a certification, the certification shall include the reasons for the member's non-concurrence.

''(2) If a House of Congress adopts a bill authorizing or appropriating funds for the National Nuclear Security Administration for nuclear stockpile and stockpile stewardship program activities or other activities that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.''.

SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.

If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.—

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—Section 132a of title 10, United States Code, is amended to read as follows:

''§ 132a. Chief Management Officer

''(a) IN GENERAL.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

''(A) extensive executive level leadership and management experience in the public or private sector;

''(B) strong leadership skills;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a proven record in achieving positive operational results.

''(b) POWERS AND DUTIES.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

''(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

''(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

''(A) The expenditure of funds, accounting, and finance.

''(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

''(C) Facilities, property, nonmilitary equipment, and other resources.

''(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

''(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

''(F) Such other areas or matters as the Secretary of Defense may designate.

''(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

''(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Chief Management Officer of the Department of Defense.''.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking ''and the Deputy Secretary of Defense'' and inserting '', the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense''.

(iv) Such title is further amended by inserting ''the Chief Management Officer of the Department of Defense,'' after ''the Deputy Secretary of Defense,'' each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking ''the Secretaries of the military departments,'' and all that follows and inserting ''the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.''.

(vi) Section 138(d) of such title is amended by striking ''the Secretaries of the military departments,'' and all that follows through the period and inserting ''the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.''.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

''132a. Chief Management Officer.''.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Management Officer of the Department of Defense.''.

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) JURISDICTION OF DFAS.—

(A) TRANSFER TO DEPARTMENT OF THE TREASURY.—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

SEC. 904. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.''

Subtitle B—Space Activities

SEC. 911. OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.

(a) IN GENERAL.—Subsection (a) of section 2273a of title 10, United States Code, is amended to read as follows:

''(a) IN GENERAL.—There is within the Air Force Space and Missile Systems Center of

the Department of Defense an office known as the Operationally Responsive Space Program Office (in this section referred to as the 'Office'). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.''.

(b) HEAD OF OFFICE.—Subsection (b) of such section is amended by striking ''shall be—'' and all that follows and inserting ''the designee of the Department of Defense Executive Agent for Space. The head of the Office shall report to the Commander of the Air Force Space and Missile Systems Center.''.

(c) MISSION.—Subsection (c)(1) of such section is amended by striking ''spacelift'' and inserting ''launch''.

(d) SENIOR ACQUISITION EXECUTIVE.—Paragraph (1) of subsection (e) of such section is amended to read as follows:

''(1) The Program Executive Officer (PEO) for Space shall be the Acquisition Executive of the Office and shall provide streamlined acquisition authorities for projects of the Office.''.

(e) EXECUTIVE COMMITTEE.—Such section is further amended by adding at the end the following new subsection:

''(g) EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall establish for the Office an Executive Committee (to be known as the 'Operationally Responsive Space Executive Committee') to provide coordination, oversight, and approval of projects of the Office.

''(2) The Executive Committee shall consist of the officials (and their duties) as follows:

''(A) The Department of Defense Executive Agent for Space, who shall serve as Chair of the Executive Committee and provide oversight, prioritization, coordination, and resources for the Office.

''(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall provide coordination and oversight of the Office and recommend funding sources for programs of the Office that exceed the approved program baseline.

''(C) The Commander of the United States Strategic Command, who shall validate requirements for systems to be acquired by the Office and participate in approval of any acquisition program initiated by the Office.

''(D) The Commander of the Air Force Space Command, who shall organize, train, and equip forces to support the acquisition programs of the Office.

''(E) Such other officials (and their duties) as the Secretary of Defense considers appropriate.''.

(f) TRANSFER OF FISCAL YEAR 2012 FUNDS.—

(1) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from the funds described in paragraph (2), $60,000,000 to other, higher priority programs of the Air Force.

(2) COVERED FUNDS.—The funds described in this paragraph are amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Air Force, for the Weather Satellite Follow On Program as specified in the funding table in section 4201 of that Act.

(3) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(4) CONSTRUCTION OF AUTHORITY.—The transfer authority in this subsection is in addition to any other transfer authority provided in this Act.

(5) PROGRAM PLAN.—Not later than December 31, 2012, the Secretary shall submit to the congressional defense committees a report setting forth a program plan for higher priority programs described in paragraph (1).

SEC. 912. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2275. Commercial space launch cooperation

''(a) AUTHORITY.—The Secretary of Defense may, to assist the Secretary of Transportation in carrying out responsibilities set forth in title 51 with respect to private sector involvement in commercial space activities and public-private partnerships pertaining to space transportation infrastructure, take the following actions:

''(1) Maximize the use by the private sector in the United States of the capacity of the space transportation infrastructure of the Department of Defense.

''(2) Maximize the effectiveness and efficiency of the space transportation infrastructure of the Department.

''(3) Reduce the cost of services provided by the Department related to space transportation infrastructure at launch support facilities and space recovery support facilities.

''(4) Encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department.

''(5) Foster cooperation between the Department and covered entities.

''(b) AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.—The Secretary of Defense—

''(1) may enter into a contract or other agreement with a covered entity to provide to the covered entity support and services related to the space transportation infrastructure of the Department of Defense; and

''(2) upon the request of that covered entity, may include such support and services in the space launch and reentry range support requirements of the Department if—

''(A) the Secretary determines that the inclusion of such support and services in such requirements—

''(i) is in the best interest of the Federal Government;

''(ii) does not interfere with the requirements of the Department; and

''(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

''(B) any commercial requirement included in that contract or other agreement has full non-Federal funding before the execution of the contract or other agreement.

''(c) CONTRIBUTIONS.—(1) The Secretary of Defense may enter into contracts or other agreements with covered entities on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

''(2) Any funds, services, or equipment accepted by the Secretary under this subsection—

''(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the contract or other agreement entered into under this subsection; and

''(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

''(3) A contract or other agreement entered into under this subsection with a covered entity—

''(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the contract or other agreement; and

''(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other contract or agreement with the United States.

''(d) DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.—(1) There is established on the books of the Treasury a special account to be known as the 'Defense Cooperation Space Launch Account'.

''(2) Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

''(3) Amounts in the Department Defense Cooperation Space Launch Account shall be available, to the extent provided in appropriation Acts, for costs incurred by the Department of Defense under subsection (c). Funds in the Account shall remain available until expended.

''(e) ANNUAL REPORT.—Not later than January 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the previous fiscal year.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

''(g) DEFINITIONS.—In this section:

''(1) COVERED ENTITY.—The term 'covered entity' means a non-Federal entity that—

''(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

''(B) is engaged in commercial space activities.

''(2) LAUNCH SUPPORT FACILITIES.—The term 'launch support facilities' has the meaning given that term in section 50501(7) of title 51.

''(3) SPACE RECOVERY SUPPORT FACILITIES.—The term 'space recovery support facilities' has the meaning given that term in section 50501(11) of title 51.

''(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term 'space transportation infrastructure' has the meaning given that term in section 50501(12) of title 51.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by adding at the end the following new item:

''2275. Commercial space launch cooperation.''.

SEC. 913. REPORTS ON INTEGRATION OF ACQUISITION AND CAPABILITY DELIVERY SCHEDULES FOR COMPONENTS FOR MAJOR SATELLITE ACQUISITION PROGRAMS AND FUNDING FOR SUCH PROGRAMS.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, as amended by section 912 of this Act, is further amended by adding at the end the following new section:

''§ 2276. Reports on integration of acquisition and capability delivery schedules for components for major satellite acquisition programs and funding for such programs

''(a) REPORTS REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on each major satellite acquisition program in accordance with subsection (d) that assesses—

''(1) the integration of the schedules for the acquisition and the delivery of the capabilities of the components for the program; and

''(2) funding for the program.

''(b) ELEMENTS.—Each report required by subsection (a) with respect to a major satellite acquisition program shall include the following:

''(1) The amount of funding approved for the program and for each related program that is necessary for the operational capability of the program.

''(2) The dates by which the program is anticipated to reach initial and full operational capability.

''(3) An assessment of the extent to which the schedules for the acquisition and the delivery of the capabilities of the components for the program or any related program referred to in paragraph (1) are integrated.

''(4) If the Under Secretary determines pursuant to the assessment under paragraph (3) that the schedules for the acquisition and the delivery of the capabilities of the components for the program, or a related program referred to in paragraph (1), provide for the acquisition or the delivery of the capabilities of at least two of the three components for the program or related program more than one year apart, an identification of—

''(A) the measures the Under Secretary is taking or is planning to take to improve the integration of those schedules; and

''(B) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.

''(c) CONSIDERATION BY MILESTONE DECISION AUTHORITY.—The Milestone Decision Authority shall include the report required by subsection (a) with respect to a major satellite acquisition program as part of the documentation used to approve the acquisition of the program.

''(d) SUBMITTAL OF REPORTS.—(1) In the case of a major satellite acquisition program initiated before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program not later than one year after such date of enactment.

''(2) In the case of a major satellite acquisition program initiated on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program at the time of the Milestone B approval of the program.

''(e) NOTIFICATION TO CONGRESS OF NON-INTEGRATED ACQUISITION AND CAPABILITY DELIVERY SCHEDULES.—If, after submitting the report required by subsection (a) with respect to a major satellite acquisition program, the Under Secretary determines that the schedules for the acquisition and the delivery of the capabilities of the components for the program, or a related program referred to in subsection (b)(1), provide for the acquisition or the delivery of the capabilities of at least two of the three components for the program or related program more than one year apart, the Under Secretary shall, not later than 30 days after making that determination, submit to the congressional defense committees a report—

''(1) notifying the committees of that determination; and

''(2) identifying the measures the Under Secretary is taking or is planning to take to improve the integration of those schedules.

''(f) DEFINITIONS.—In this section:

''(1) COMPONENTS.—The term 'components', with respect to a major satellite acquisition program, refers to any satellites acquired under the program and the ground equipment and user terminals necessary for the operation of those satellites.

''(2) MAJOR SATELLITE ACQUISITION PROGRAM.—The term 'major satellite acquisition program' means a major defense acquisition program (as defined in section 2430 of this title) for the acquisition of a satellite.

''(3) MILESTONE B APPROVAL.—The term 'Milestone B approval' has the meaning given that term in section 2366(e)(7) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title, as so amended, is further amended by adding at the end the following new item:

''2276. Reports on integration of acquisition and capability delivery schedules for components for major satellite acquisition programs and funding for such programs.''.

SEC. 914. DEPARTMENT OF DEFENSE REPRESENTATION IN DISPUTE RESOLUTION REGARDING SURRENDER OF DEPARTMENT OF DEFENSE BANDS OF ELECTROMAGNETIC FREQUENCIES.

Section 1062(b)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 768; 47 U.S.C. 921 note) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) in the event of any dispute resolution process involving the surrender of use of such band, the Department of Defense has adequate representation to convey its views.''.

Subtitle C—Intelligence-Related and Cyber Matters

SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO SECURITY ALLIANCES AND INTERNATIONAL AND REGIONAL ORGANIZATIONS.

(a) EXTENSION OF AUTHORITY TO SECURITY ALLIANCES AND INTERNATIONAL AND REGIONAL ORGANIZATIONS.—Section 443(a) of title 10, United States Code, is amended by inserting '', regional organizations with defense or security components, and international organizations and security alliances of which the United States is a member'' after ''foreign countries''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 443 of such title is amended to read as follows:

''§ 443. Imagery intelligence and geospatial information: support for foreign countries, security alliances, and international and regional organizations''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter I of chapter 22 of such title is amended by striking the item relating to section 443 and inserting the following new item:

''443. Imagery intelligence and geospatial information: support for foreign countries, security alliances, and international and regional organizations.''.

SEC. 922. ARMY DISTRIBUTED COMMON GROUND SYSTEM.

(a) ASSIGNMENT OF RESPONSIBILITY FOR OVERSIGHT.—The Secretary of the Army shall assign responsibility for oversight of the development, acquisition, testing, and fielding of the Distributed Common Ground System (DCGS) cloud computing program of the Army to the Chief Information Officer of the Army ((CIO)/G–6).

(b) REVIEW OF PROGRAM.—

(1) IN GENERAL.—Not later than December 1, 2012, the Chief Information Officer shall submit to the Secretary a report on a review of the Distributed Common Ground System cloud computing program of the Army conducted by the Chief Information Officer for purposes of this section.

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the program in comparison with commercial products, if applicable, with respect to each of the following:

(i) The effectiveness of analyst tools, user interfaces, and data visualization in supporting analyst missions and requirements.

(ii) Training requirements for analysts.

(iii) Ease of use for analysts.

(iv) Rates of progress in developing analyst tools and linking tools for standard workflows.

(B) An assessment of the soundness of the past decisions of the Army, and the future plans of the Army, for acquiring and integrating analyst tools, user interfaces, and data visualization capabilities through government-sponsored custom development, leasing of commercial solutions, and government open source development.

(C) Such recommendations regarding the program as the Chief Information Officer considers appropriate in light of the review under this subsection.

SEC. 923. RATIONALIZATION OF CYBER NETWORKS AND CYBER PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to substantially reduce the number of sub-networks and network enclaves across the Department of Defense, and the associated security and access management controls, in order to achieve the following objectives for the Department:

(1) Visibility for the United States Cyber Command in the operational and security status of all networks, network equipment, and computers.

(2) Elimination of redundant network security infrastructure and personnel.

(3) Rationalization and consolidation of cyber attack detection, diagnosis, and response resources, and elimination of gaps in security coverage.

(4) Reduction of barriers to information sharing and enhancement of the capacity to rapidly create collaborative communities of interest.

(5) Enhancement of access to information through authentication-based and identity-based access controls.

(6) Enhancement of the capacity to deploy, and achieve access to, enterprise-level services.

(7) Separation of server and end-user device computing to facilitate server and data center consolidation and a more secure tiered and zoned network architecture.

(b) PERSONNEL PLAN.—

(1) IN GENERAL.—As part of the actions taken under subsection (a), the Secretary shall establish and carry out a plan to reassign personnel billets currently allocated to network operations and security that will become available pursuant to the reduction in network enclaves required by that subsection to tasks related to potential offensive cyber operations in order to achieve an appropriate balance between the offensive and defensive missions of the United States Cyber Command and its components. The plan shall include targets for the number of personnel to be reassigned to tasks related to offensive operations, and the rate at which such personnel shall be added to the workforce for such tasks.

(2) DISPOSITION OF PERSONNEL.—In developing the plan required by paragraph (1), the Secretary shall—

(A) determine whether the number of personnel required to be reassigned to tasks related to offensive operations in order to achieve the balance described in paragraph (1) will be met, in pace and numbers, through the reassignment of personnel billets pursuant to the plan; and

(B) if the Secretary determines that the number of personnel so required will not be so met (whether because of insufficient numbers of personnel in billets to be reassigned

or because personnel available for reassignment cannot be trained or directed to tasks related to offensive operations), take appropriate actions to ensure the availability to the United States Cyber Command of appropriate numbers of personnel qualified to undertake tasks related to offensive operations.

(3) ADDITIONAL ELEMENTS.—In developing the plan required by paragraph (1), the Secretary shall also—

(A) identify targets for the number of personnel to be reassigned to tasks related to offensive cyber operations, and the rate at which such personnel shall be added to the workforce for such tasks; and

(B) identify targets for use of National Guard personnel to support cyber workforce rationalization and the actions taken under subsection (a).

(4) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan required by paragraph (1) to the congressional defense committees at the time of the submittal to Congress of the budget of the President for fiscal year 2014 pursuant to section 1105(a) of title 31, United States Code.

SEC. 924. NEXT-GENERATION HOST-BASED CYBER SECURITY SYSTEM FOR THE DEPARTMENT OF DEFENSE.

(a) STRATEGY FOR ACQUISITION OF SYSTEM REQUIRED.—The Chief Information Officer of the Department of Defense shall, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, develop a strategy to acquire next-generation host-based cybersecurity tools and capabilities (in this section referred to as a ''next-generation system'') for the Department of Defense.

(b) ELEMENTS OF SYSTEM.—It is the sense of Congress that any next-generation system acquired under the strategy required by subsection (a) should meet the following requirements:

(1) To overcome problems and limitations in current capabilities, the system should not rely on anti-virus or signature-based threat detection techniques that—

(A) cannot address new or rapidly morphing threats:

(B) consume substantial amounts of communications capacity to remain current with known threats and to report current status; or

(C) consume substantial amounts of resources to store rapidly growing threat libraries.

(2) The system should provide an open architecture-based framework for so-called ''plug-and-play'' integration of a variety of types of deployable tools in addition to cyber intrusion detection tools, including tools for—

(A) insider threat detection;

(B) continuous monitoring and configuration management;

(C) remediation following infections; and

(D) protection techniques that do not rely on detection of the attack, such as virtualization, and diversification of attack surfaces.

(3) The system should be designed for ease of deployment to potentially millions of host devices of tailored security solutions depending on need and risk, and to be compatible with cloud-based, thin-client, and virtualized environments as well as battlefield devices and weapons systems.

(c) SUBMITTAL TO CONGRESS.—The Chief Information Office shall submit to Congress a report setting forth the strategy required by subsection (a) together with the budget justification materials of the Department of Defense submitted to Congress with the budget of the President for fiscal year 2015 pursuant to section 1105(a) of title 31, United States Code.

SEC. 925. IMPROVEMENTS OF SECURITY, QUALITY, AND COMPETITION IN COMPUTER SOFTWARE PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) COMPREHENSIVE PROGRAM ON IMPROVEMENT OF PROCUREMENT OF COMPUTER SOFTWARE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer of the Department of Defense, develop a comprehensive program for improvements of the security, quality, and competition in the computer software procured by the Department of Defense for covered systems

(b) UPDATE OF DEVELOPMENT AND ACQUISITION MODELS.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer, provide for the development of updates and improvements to one or more existing best-practice development and acquisition models (such as the Capability Maturity Model Integration) in order to provide explicit guidance under such model or models for improved assurance, security, quality, and resiliency in the computer software developed and procured by the Department.

(2) ELEMENTS.—Any update or improvement to a development and acquisition model under this subsection shall—

(A) include diagnostic methods that enable evaluations of conformance to the processes and best practices of the model for achieving quality, assurance, and security throughout the life cycle of software products concerned; and

(B) be compatible with the variety of current agile and incremental software development methodologies.

(c) REQUIREMENTS FOR SECURE CODE DEVELOPMENT PRACTICES.—The Under Secretary shall, in coordination with the Chief Information Officer—

(1) direct the Director of the Defense Information Systems Agency to modify the Application Security and Development Security Technical Implementation Guide (STIG) to require (rather than highly recommend) the use of automated static vulnerability analysis tools in the computer software code development phase, and in development and operational testing, to identify and remediate security vulnerabilities for covered systems;

(2) develop a list of qualified government and private-sector static analysis tools and third-party testing organizations to support the requirement under paragraph (1);

(3) direct the Director—

(A) to designate secure software coding standards; and

(B) to modify the Security Technical Implementation Guide to reference the approved standards; and

(4) develop guidance and direction for Department program managers to require government software development and maintenance organizations and contractors to identify and implement, through contract statements of work, a secure software coding plan that includes verifiable processes and practices.

(d) VERIFICATION OF EFFECTIVE IMPLEMENTATION.—The Under Secretary shall, in coordination with the Chief Information Officer, develop guidance and direction for Department program managers for covered systems to do as follows:

(1) To require evidence that government software development and maintenance organizations and contractors are conforming in computer software coding to—

(A) approved secure coding standards of the Department during software development, upgrade and maintenance activities, including through the use of inspection and appraisals;

(B) an applicable best practice development and acquisition model; and

(C) the requirement established pursuant to subsection (b)(1).

(2) To make appropriate use of authorized software code assessment centers (whether a government center, Federally funded research and development center, or government contractor) to evaluate applications and software products for conformance to secure coding requirements.

(e) STUDY ON ADDITIONAL MEANS OF IMPROVING SOFTWARE SECURITY.—

(1) IN GENERAL.—The Under Secretary shall, in coordination with the Chief Information Officer, provide for a study of potential mechanisms for obtaining higher quality and secure development of computer software for the Department.

(2) MECHANISMS TO BE STUDIED.—The mechanisms studied under paragraph (1) may include the following:

(A) Liability for defects or vulnerabilities in software code.

(B) So-called ''clawback'' provisions on earned fees that enable the Department to recoup funds for security vulnerabilities discovered after software is delivered.

(C) Exemption from liability for rigorous conformance with secure development processes.

(D) Warranties against software defects and vulnerabilities.

(f) SOFTWARE REPOSITORIES AND COLLABORATIVE DEVELOPMENT ENVIRONMENTS.—The Under Secretary shall, in consultation with the Chief Information Officer—

(1) establish or require the use of one or more existing computer software repositories and collaborative computer software development environments (such as Forge.mil managed by the Defense Information Systems Agency) for covered systems for purposes of—

(A) storing software code owned by the government, or to which it has use rights, together with all associated documentation and quality and security test results;

(B) minimizing duplicative investment in software code development infrastructure while promoting common, high-quality development practices and facilitating sharing of best practices; and

(C) promoting software re-use and competition for software capability insertion, upgrades, and maintenance;

(2) establish rules and procedures for depositors in the repositories and environments provided for under paragraph (1) to keep the software code base current, if the depositors are not already using such a repository or environment for software development and life-cycle management; and

(3) ensure that the repositories and environments provided for under paragraph (1) provide automated tools for software reverse engineering, functionality analysis, and static and dynamic vulnerability analysis of source code and binary code in order to enable users to search for software relevant to their requirements, understand what the code does and how it functions, and assess its quality and security.

(g) COVERED SYSTEMS DEFINED.—In this section, the term ''covered systems'' means any Department of Defense critical information systems and weapons systems, including—

(1) major systems, as that term is defined in section 2302(5) of title 10, United States Code;

(2) national security systems, as that term is defined in section 3542(b)(2) of title 44, United States Code; and

(3) Department of Defense information systems categorized as Mission Assurance Category I in Department of Defense Directive 8500.01E that are funded by the Department of Defense.

SEC. 926. COMPETITION IN CONNECTION WITH DEPARTMENT OF DEFENSE DATA LINK SYSTEMS.

(a) COMPETITION IN CONNECTION WITH DATA LINK SYSTEMS.—

(1) IN GENERAL.—Not later than December 1, 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(A) develop an inventory of all data link systems in use and in development in the Department of Defense;

(B) conduct a business case analysis of each data link system contained in the inventory under subparagraph (A) to determine whether—

(i) the maintenance, upgrade, new deployment, or replacement of such system should be open to competition; or

(ii) the data link should be converted to an open architecture, or a different data link standard should be adopted to enable such competition;

(C) for each data link system for which competition is determined advisable under clause (i) or (ii) of subparagraph (B), develop a plan (with specific objectives, actions, and schedules) to achieve such competition, including a plan to address any policy, legal, programmatic, or technical barriers to such competition; and

(D) for each data link system for which competition is determined not advisable under subparagraph (B), prepare a justification for the determination that it is not practical to conduct such competition or to convert the data link standard to open architecture or adopt a different data link standard for which competition is feasible.

(2) ELEMENT OF BUSINESS CASE ANALYSES.—In conducting a business case analysis for purposes of paragraph (1)(B), the Under Secretary shall solicit the views of industry on the merits and feasibility of introducing competition for the maintenance, upgrade, new deployment, or replacement for the data link system in question.

(b) EARLIER ACTIONS.—If the Under Secretary completes any portion of the plan described in subsection (a)(1)(C) before December 1, 2013, the Secretary may commence action on such portion of the plan upon completion of such portion, including publication of such portion of the plan.

(c) REPORTS.—

(1) SUBMITTAL OF PLAN TO CONGRESS.—The Under Secretary shall submit to Congress the plan described in subsection (a)(1)(C) at the same time the budget of the President for fiscal year 2015 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code. The Under Secretary shall include with the plan—

(A) a list of the data link systems covered by subsection (a)(1)(C);

(B) a list of the data link systems covered by subsection (a)(1)(D); and

(C) for each data link system covered by subsection (a)(1)(D), the justification prepared under that subsection with respect to the data link system.

(2) COMPTROLLER OF THE UNITED STATES ASSESSMENT.—Not later than 90 days after the submittal to Congress under paragraph (1) of the plan described in subsection (a)(1)(C), the Comptroller General of the United States shall submit to Congress a report setting forth the assessment of the Comptroller General of the plan, including an assessment of the adequacy and objectives of the plan.

SEC. 927. INTEGRATION OF CRITICAL SIGNALS INTELLIGENCE CAPABILITIES.

(a) PLAN FOR INTEGRATION REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2013, the Director of the Intelligence, Surveillance, and Reconnaissance (ISR) Task Force shall develop a plan to rapidly achieve an operationally integrated signals intelligence collection and dissemination capability to meet requirements for detecting, tracking, and precisely geolocating high-band communications devices in order to trigger the immediate observation and tracking of high-value targets by imagery sensor by combining or integrating capabilities that exist or are in development in ongoing programs, including the following:

(A) The Guardrail program and the ARGUS A160 program of the Army.

(B) The Blue Moon quick reaction capability program of the Air Force.

(C) The Wide Area Network Detection program of the Defense Advanced Research Projects Agency (DARPA).

(2) CONSULTATION.—The Director shall consult with the National Security Agency, the combatant commands (including the United States Special Operations Command), and the formal wireless working groups of the intelligence community in developing the plan.

(3) SUPPORT.—The Secretary of the Army, the Secretary of the Air Force, and the Director of the Defense Advanced Research Projects Agency shall each provide the Director such information and support as the Director shall require for the development of the plan.

(b) DEVELOPMENT AND DEPLOYMENT.—In addition to the responsibility under subsection (a), the Director of the Intelligence, Surveillance, and Reconnaissance Task Force shall also coordinate funding, provide acquisition oversight, coordinate system deployment, and synchronize operational integration in support of combat operations for purposes of the development and deployment of the capability described in that subsection.

SEC. 928. COLLECTION AND ANALYSIS OF NETWORK FLOW DATA.

(a) DEVELOPMENT OF TECHNOLOGIES.—The Chief Information Officer of the Department of Defense may, in coordination with the Under Secretary of Defense for Policy and the Under Secretary of Defense for Intelligence and acting through the Director of the Defense Information Systems Agency (DISA), use the available funding and research activities and capabilities of the Community Data Center of the Defense Information Systems Agency to develop and demonstrate collection, processing, and storage technologies for network flow data that—

(1) are potentially scalable to the volume used by Tier 1 Internet Service Providers (ISPs) to collect and analyze the flow data across their networks;

(2) will substantially reduce the cost and complexity of capturing and analyzing high volumes of flow data; and

(3) support the capability—

(A) to detect and identify cybersecurity threats, networks of compromised computers, and command and control sites used for managing illicit cyber operations and receiving information from compromised computers;

(B) track illicit cyber operations for attribution of the source; and

(C) provide early warning and attack assessment of offensive cyber operations.

(b) COORDINATION.—Any research and development required in the development of the technologies described in subsection (a) shall be conducted in cooperation with the heads of other appropriate departments and agencies of the Federal Government and, whenever feasible, Tier 1 Internet Service Providers.

SEC. 929. DEPARTMENT OF DEFENSE USE OF NATIONAL SECURITY AGENCY CLOUD COMPUTING DATABASE AND INTELLIGENCE COMMUNITY CLOUD COMPUTING INFRASTRUCTURE AND SERVICES.

(a) LIMITATION ON USE OF NSA DATABASE.—

(1) LIMITATION.—No component of the Department of Defense may utilize the cloud computing database developed by the National Security Agency (NSA) called Accumulo after September 30, 2013, unless the Chief Information Officer of the Department of Defense certifies one of the following:

(A) That there are no viable commercial open source databases with extensive industry support (such as the Apache Foundation HBase and Cassandra databases) that have security features comparable to the Accumulo database that are considered essential by the Chief Information Officer for purposes of the certification under this paragraph.

(B) That the Accumulo database has become a successful Apache Foundation open source database with adequate industry support and diversification, based on criteria to be established by the Chief Information Officer for purposes of the certification under this paragraph and submitted to the appropriate committees of Congress not later than January 1, 2013.

(2) CONSTRUCTION.—The limitation in paragraph (1) shall not apply to the National Security Agency.

(b) ADAPTATION OF ACCUMULO SECURITY FEATURES TO HBASE DATABASE.—The Director of the National Security Agency shall take appropriate actions to ensure that companies and organizations developing and supporting open source and commercial open source versions of the Apache Foundation HBase and Cassandra databases, or similar systems, receive technical assistance from government and contractor developers of software code for the Accumulo database to enable adaptation and integration of the security features of the Accumulo database.

(c) COORDINATION REGARDING DOD USE OF INTELLIGENCE COMMUNITY CLOUD COMPUTING INFRASTRUCTURE AND SERVICES.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, the Chief Information Officer of the Department of Defense, and the Chief Information Officer of each of the military departments shall coordinate with the Director of National Intelligence and the Under Secretary of Defense for Intelligence regarding the use of cloud computing infrastructure and software services offered by the intelligence community by components of the Department of Defense for purposes other than intelligence analysis.

(2) PURPOSE.—The purpose of the coordination required by paragraph (1) is to ensure that Department use of cloud computing infrastructure and software services described in that paragraph is cost-effective and consistent with the Information Technology Efficiencies initiative, data center and server consolidation plans, and cybersecurity requirements and policies of the Department.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 930. ELECTRO-OPTICAL IMAGERY.

(a) SUSTAINMENT OF COLLECTION CAPACITY.—The Secretary of Defense and the Director of National Intelligence shall jointly

take appropriate actions to sustain through fiscal year 2013 the commercial electro-optical imaging collection capacity that was planned under the Enhanced View program approved in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to be available to the Department of Defense though the Service Level Agreements with commercial data providers.

(b) IDENTIFICATION OF DEPARTMENT OF DEFENSE ELECTRO-OPTICAL IMAGERY REQUIREMENTS.—

(1) REPORT.—Not later than April 1, 2013, the Vice Chairman of the Joint Chiefs of Staff shall submit to the Director of the Congressional Budget Office a report setting forth a comprehensive description of Department of Defense peacetime and wartime requirements for electro-optical imagery under current circumstances and under anticipated revisions of strategy and budgetary constraints.

(2) SCOPE OF REQUIREMENTS.—The requirements under paragraph (1) shall—

(A) be expressed in such terms as daily regional and global area coverage and number of point targets, resolution, revisit rates, mean-time to access, latency, redundancy, survivability, and diversity; and

(B) take into consideration all types of imagery and collection means available.

(c) ASSESSMENT OF IDENTIFIED REQUIREMENTS.—

(1) IN GENERAL.—Not later than September 15, 2013, the Director of the Congressional Budget Office shall submit to the appropriate committees of Congress a report setting forth an assessment by the Director of the report required by subsection (b).

(2) ELEMENTS.—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The extent to which the requirements of the Department for electro-optical imagery from space can be satisfied by commercial companies using either—

(i) current designs; or

(ii) enhanced designs that could be developed at low risk.

(B) Whether a reduction by half in the amounts requested for the Enhanced View program for fiscal year 2013 from amounts requested for that program for fiscal year 2012 is consistent with Presidential Space Policy of June 2010, Presidential Policy Directive 4, applicable provisions of the Federal Acquisition Regulation (10.001(a)(3)(ii) and 12.101(a)–(b)), and section 2377 of title 10, United States Code, regarding preferences for procuring commercial capabilities and modifying as necessary and feasible commercial capabilities to meet government requirements, and for modifying government requirements to a reasonable extent to enable commercial or non-developmental products to meet government needs.

(3) CONSULTATION AND OTHER RESOURCES.—In preparing the assessment required by paragraph (1), the Director shall—

(A) consult widely with appropriate individuals and entities, including Members and committees of Congress, the Office of Management and Budget and other agencies and officials of the Government, private industry, and academia; and

(B) make maximum use of existing studies and modeling and simulations conducted by or on behalf of Members and committees of Congress, the Joint Staff, the Director of National Intelligence, the National Reconnaissance Office, the National Geospatial-Intelligence Agency, private industry, and academia.

(4) ACCESS TO INFORMATION.—The Director of National Intelligence and the Secretary of Defense shall each provide the staff of the Director of the Congressional Budget Office with such access to information and programs applicable to the assessment required by paragraph (1) as the Director of the Congressional Budget Office shall require for the preparation of the assessment.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) FUNDING.—In addition to any other amounts authorized to be appropriated by this Act and available for Service Level Agreements described in subsection (a), of the amounts authorized to be appropriated for fiscal year 2013 by section 301 for operation and maintenance and available as specified in the funding table in section 4301, $125,000,000 is available for such Service Level Agreements.

SEC. 931. SOFTWARE LICENSES OF THE DEPARTMENT OF DEFENSE.

(a) AUDITS.—Not later than 180 days after the date of the enactment of this Act, and every two years thereafter, the Chief Information Officer of the Department of the Defense shall, in consultation with chief information officers of the military departments and the Defense Agencies—

(1) conduct an inventory of all existing software licenses in favor of the Department of Defense, including licenses in use and licenses not in use, on an application-by-application basis;

(2) compare the number of software licenses in use, and the manner of their use by Department employees, with the number of software licenses available to the Department and the product use rights contained in such licenses;

(3) assess the needs of the Department and the components of the Department for software licenses during the two fiscal years next following the date of the completion of the inventory; and

(4) determine means by which the Department can achieve the greatest possible economies of scale and cost-savings in the procurement, use, and optimization of software licenses.

(b) PERFORMANCE PLAN.—

(1) IN GENERAL.—If the Chief Information Officer determines through an inventory conducted under subsection (a) that the number of existing software licenses, on an application-by-application basis, of the Department and the components of the Department exceeds the needs of the Department for such software licenses, the Secretary of Defense shall, not later than 90 days after the date of the completion of such inventory, implement a plan to bring the number of software licenses, on an application-by-application basis, into balance with the needs of the Department.

(2) EXCEPTIONS.—The Chief Information Officer may exempt from coverage under a plan under paragraph (1) such applications or categories of applications as the Chief Information Officer considers appropriate. Immediately upon finalizing the applications or categories of applications to be exempt from coverage under a plan, the Chief Information Officer shall submit to the congressional defense committees a report (in classified form, if required) setting forth the applications or categories of applications to be exempt from coverage under the plan.

SEC. 932. DEFENSE CLANDESTINE SERVICE.

(a) PROHIBITION ON USE OF FUNDS FOR ADDITIONAL PERSONNEL.—Amounts authorized to be appropriated by this Act for the Military Intelligence Program (MIP) may not be obligated or expended to provide for a number of personnel conducting or supporting human intelligence within the Department of Defense in excess of the number of such personnel as of April 20, 2012.

(b) CAPE REPORT ON COSTS.—Not later than 120 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation of the Department of Defense shall submit to the appropriate committees of Congress an independent estimate of the costs of the Defense Clandestine Service, whether funded through the Military Intelligence Program or the National Intelligence Program, including an estimate of the costs over the period of the current future-years defense program and an estimate of the out year costs.

(c) USDI REPORT ON DCS.—

(1) REPORT REQUIRED.—Not later than February 1, 2013, the Under Secretary of Defense for Intelligence shall submit to the appropriate committees of Congress a report on the Defense Clandestine Service.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed description of the location and schedule for current and anticipated deployments of case officers trained under the Field Tradecraft Course, whether overseas or domestically, and a certification whether or not such deployments can be accommodated and supported.

(B) A statement of the objectives for the effective management of case officers trained under the Field Tradecraft Course for each of the Armed Forces, the Defense Intelligence Agency, and the United States Special Operations Command, including objectives on numbers of tours requiring training in the Field Tradecraft Course and objectives for management of career tracks and case officer covers.

(C) A statement of the manner in which each Armed Force, the Defense Intelligence Agency, and the United States Special Operations Command will each achieve the objectives applicable thereto under subparagraph (B).

(D) A copy of any memoranda of understanding or memoranda of agreement between the Department of Defense and other departments and agencies of the United States Government, or between components or elements of the Department of Defense, that are required to implement objectives for the Defense Clandestine Service.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''future-years defense program'' means the future-years defense program under section 221 of title 10, United States Code.

SEC. 933. AUTHORITY FOR SHORT-TERM EXTENSION OF LEASE FOR AIRCRAFT SUPPORTING THE BLUE DEVIL INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2401 of title 10, United States Code, the Secretary of the Air Force may extend or renew the lease of aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program after the date of the expiration of the current lease of such aircraft for a term that is the shorter of—

(1) the period beginning on the date of the expiration of the current lease and ending on the date on which the Commander of the United States Central Command notifies the

Secretary that a substitute is available for the capabilities provided by the lease, or that the capabilities provided by such aircraft are no longer required; or

(2) six months.

(b) FUNDING.—Amounts authorized to be appropriated for fiscal year 2013 by title XV and available for Overseas Contingency Operations for operation and maintenance as specified in the funding tables in section 4302 may be available for the extension or renewal of the lease authorized by subsection (a).

SEC. 934. SENSE OF SENATE ON POTENTIAL SECURITY RISKS TO DEPARTMENT OF DEFENSE NETWORKS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Cybersecurity threats are pervasive and serious, including through the supply chain of information technology equipment and software.

(2) Semiconductor manufacturing is already dominated by foreign producers, presenting supply chain risk management challenges.

(3) In a number of instances, foreign manufacturers of telecommunications equipment, including advanced wireless technology, are gaining global market share due to high quality and low prices. Competitive market forces ensure that commercial providers of consumer, business, and government systems and services will choose equipment and associated software from these manufacturers. In some cases, like Huawei Industries, this competitive position stems in part from inappropriate government subsidies and other forms of assistance.

(4) Some of these companies also present clear cybersecurity supply chain risks that the Government must address.

(5) The Committee on Foreign Investment in the United States has blocked the attempt by Huawei to acquire United States technology firms on two occasions and the National Security Agency and the Secretary of Commerce have advised two major United States telecommunications carriers against selecting Huawei as a supplier.

(6) The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) provided authority and mechanisms for the Secretary of Defense to control these supply chain risks, but only for National Security Systems, leaving many information technology systems and missions exposed to supply chain risks.

(7) Blocking sales from providers of information technology systems and services due to concerns about cybersecurity risks, while maintaining our commitment to free trade and fair and transparent competition, poses difficult policy challenges.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense—

(1) must ensure it maintains full visibility and adequate control of its supply chain, including subcontractors, in order to mitigate supply chain exploitation; and

(2) needs the authority and capability to mitigate supply chain risks to its information technology systems that fall outside the scope of National Security Systems.

SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.

(a) FINDINGS.—Congress makes the following findings:

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.

(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that ''[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . . [which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that's the process that we're going to work our way through''.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense ''must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department's plans and activities.''.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and defensively to protect the Nation's networks and critical infrastructure;

(2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

SEC. 936. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

(a) PROCESS FOR REPORTING PENETRATIONS.—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors' networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) PROCESS REQUIREMENTS.—

(1) RAPID REPORTING.—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) REPORT ELEMENTS.—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) ACCESS.—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(4) LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.—The process shall prohibit the dissemination outside the Department of Defense of information obtained or derived through the process that is not created by or for the Department except with the approval of the contractor providing such information.

(e) CLEARED DEFENSE CONTRACTOR DEFINED.—In this section, the term ''cleared defense contractor'' means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

Subtitle D—Other Matters

SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.

(a) AUTHORITY TO ESTABLISH.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.

''(a) ESTABLISHMENT.—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the 'Corps').

''(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

''(b) NATIONAL SECURITY EDUCATION BOARD.—If the Corps is established, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

''(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

''(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

''(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

''(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.''.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) The Secretary of Homeland Security.

''(6) The Secretary of Energy.

''(7) The Director of National Intelligence.''.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

''(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

''(B) establishing plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government;

''(C) recommending effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal government that use those skills;

''(D) coordinating activities with Executive agencies and State and Local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills; and

''(E) proposing to the Secretary regulations to carry out section 813.''.

SEC. 942. REPORT ON EDUCATION AND TRAINING AND PROMOTION RATES FOR PILOTS OF REMOTELY PILOTED AIRCRAFT.

(a) REPORT REQUIRED.—Not later than January 31, 2013, the Secretary of the Air Force and the Chief of Staff of the Air Force shall jointly submit to the congressional defense committees a report on education and training and promotion rates for Air Force pilots of remotely piloted aircraft (RPA).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed analysis of the reasons for persistently lower average education and training and promotion rates for Air Force pilots of remotely piloted aircraft.

(2) An assessment of the long-term impact on the Air Force of the sustainment of such lower rates

(3) A plan to raise such rates, including—

(A) a description of the near-term and longer-term actions the Air Force intends to undertake to implement the plan; and

(B) an analysis of the potential direct and indirect impacts of the plan on the achievement and sustainment of the combat air patrol objectives of the Air Force for remotely piloted aircraft.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORITY TO TRANSFER FUNDS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO SUSTAIN NUCLEAR WEAPONS MODERNIZATION.

(a) TRANSFER AUTHORIZED.—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2013 in section 3101 is less than $7,900,000,000 (the amount projected to be required for such activities in fiscal year 2013 as specified in the report under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549)), the Secretary of Defense may transfer, from amounts authorized to be appropriated for the Department of Defense for fiscal year 2013 pursuant to this Act, to the Secretary of Energy an amount, not to exceed $150,000,000, to be available only for weapons activities of the National Nuclear Security Administration.

(b) NOTICE TO CONGRESS.—In the event of a transfer under subsection (a), the Secretary of Defense shall promptly notify Congress of the transfer, and shall include in such notice the Department of Defense account or accounts from which funds are transferred.

(c) TRANSFER MECHANISM.—Any funds transferred under this section shall be transferred in accordance with established procedures for reprogramming under section 1001 or successor provisions of law.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority provided under subsection (a) is in addition to any other transfer authority provided under this Act.

SEC. 1003. AUDIT READINESS OF DEPARTMENT OF DEFENSE STATEMENTS OF BUDGETARY RESOURCES.

(a) OBJECTIVE.—Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) is amended by inserting '', and the statement of budgetary resources of the Department of Defense is validated as ready for audit by not later than September 30, 2014'' after ''September 30, 2017''.

(b) AFFORDABLE AND SUSTAINABLE APPROACH.—

(1) IN GENERAL.—The Chief Management Officer of the Department of Defense and the Chief Management Officers of each of the military departments shall ensure that plans to achieve an auditable statement of budgetary resources of the Department of Defense by September 30, 2014, include appropriate steps to minimize one-time fixes and manual work-arounds, are sustainable and affordable, and will not delay full auditability of financial statements.

(2) ADDITIONAL ELEMENTS IN FIAR PLAN REPORT.—Each semi-annual report on the Financial Improvement and Audit Readiness Plan of the Department of Defense submitted by the Under Secretary of Defense (Comptroller) under section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, shall include the following:

(A) A description of the actions taken by the military departments pursuant to paragraph (1).

(B) A determination by the Chief Management Officer of each military department whether or not such military department is able to achieve an auditable statement of budgetary resources by September 30, 2014, without an unaffordable or unsustainable level of one-time fixes and manual work-arounds and without delaying the full auditability of the financial statements of such military department.

(C) If the Chief Management Officer of a military department determines under subparagraph (B) that the military department is not able to achieve an auditable statement of budgetary resources by September 30, 2014, as described in that subparagraph—

(i) an explanation why the military department is unable to meet the deadline;

(ii) an alternative deadline by which the military department will achieve an auditable statement of budgetary resources;

(iii) a description of the plan of the military department for meeting the alternative deadline.

SEC. 1004. REPORT ON EFFECTS OF BUDGET SEQUESTRATION ON THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find $1,200,000,000,000 in savings will trigger automatic funding reductions known as ''sequestration'' to the Department of Defense of $492,000,000,000 between 2013 and 2021 under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 USC 901a).

(2) These reductions are in addition to reductions of $487,000,000,000 already being implemented by the Department of Defense, and would decrease the readiness and capabilities of the Armed Forces while increasing risks to the effective implementation of the National Security Strategy of the United States.

(3) The leaders of the Department of Defense have consistently testified that threats to the national security of the United States have increased, not decreased. Secretary of Defense Leon Panetta said that these reductions would ''inflict severe damage to our national defense for generations'', comments that have been echoed by the Secretaries of the Army, Navy, and Air Force.

(4) While reductions in funds available for the Department of Defense will automatically commence January 2, 2013, uncertainty regarding the reductions has already exacerbated Department of Defense efforts to plan future defense budget.

(5) Sequestration will have a detrimental effect on the industrial base that supports the Department of Defense.

(b) REPORT.—

(1) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report on the impact on the Department of Defense of the sequestration of funds authorized and appropriated for fiscal year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the potential impact of sequestration on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, and full spectrum training miles, and an estimate of the increase or decrease in readiness (as defined in the C status C–1 through C–5).

(B) An assessment of the potential impact of sequestration on the ability of the Department of Defense to carry out the National Military Strategy of the United States, and any changes to the most recent Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code arising from sequestration.

(C) A list of the programs, projects, and activities across the Department of Defense, the military departments, and the elements and components of the Department of Defense that would be reduced or terminated as a result of sequestration.

(D) An estimate of the number and value of all contracts that will be terminated, restructured, or revised in scope as a result of sequestration, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts.

(3) ASSUMPTIONS.—The report required by paragraph (1) shall assume the following:

(A) Except as provided in subparagraph (B), the funds subject to sequester are the funds in all 050 accounts, including all unobligated balances.

(B) The funds exempt from the sequester are the following:

(i) Funds in accounts for military personnel.

(ii) Funds in accounts for overseas contingency operations.

(4) PRESENTATION OF CERTAIN INFORMATION.—In listing programs, projects, and activities under paragraph (2)(C), the report required by paragraph (1) shall set forth for each the following:

(A) The most specific level of budget item identified in applicable appropriations Acts.

(B) Related classified annexes and explanatory statements.

(C) Department of Defense budget justification documents DOD P–1 and R–1 as subsequently modified by congressional action, and as submitted by the Department of Defense together with the budget materials for the budget of the President for fiscal year 2013 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code).

(D) Department of Defense document O–1 for operation and maintenance accounts for fiscal year 2013, for which purpose the term ''program, project, or activity'' means the budget activity account and sub account for the program, project, or activity as submitted in such document O–1.

SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

SEC. 1006. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND 2013 FUNDS.

(a) TRANSFER AUTHORIZED.—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts an aggregate of $46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) COVERED FUNDS.—In subsection (a), the term ''fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts'' means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) and available as specified in the funding tables in sections 4101 and 4201 of that Act for Army tactical bridging, BLIN–133, $12.5 million; Army C–RAM, BLIN–90, $15.8 million; Army non-system training devices, BLIN–182, $9.8 million; Defense wide 12/14 USSOCOM C–ISO modifications, $4.0 million; Defense wide 12/14 Combat mission requirements, $4.2 million.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''2012'' and inserting ''2013''.

SEC. 1012. REQUIREMENT FOR BIENNIAL CERTIFICATION ON PROVISION OF SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN FOREIGN GOVERNMENTS.

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1006 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1557), is further amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking ''the written certification described in subsection (g) for that fiscal year.'' and inserting ''a written certification described in subsection (g) applicable to that fiscal year. The first such certification with respect to any such government may apply only to a period of one fiscal year. Subsequent certifications with respect to any such government may apply to a period of not to exceed two fiscal years.''; and

(B) in paragraph (4)(B), by striking ''The Committee on National Security and the Committee on International Relations of the House of Representatives'' and inserting ''The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''; and

(2) in subsection (g), in the matter preceding paragraph (1)—

(A) by striking ''The written'' and inserting ''A written''; and

(B) by striking ''for a fiscal year'' and all that follows through the colon and inserting ''with respect to a government to receive support under this section for any period of time is a certification of each of the following with respect to that government:''.

SEC. 1013. AUTHORITY TO SUPPORT THE UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) AUTHORITY.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by section 1404 for the Department of Defense for drug interdiction and counter-drug activities, Defense-wide for fiscal year 2013, not more than $50,000,000 may be used by the Secretary of Defense to provide in support of a unified campaign by the Government of Colombia against narcotics trafficking and against terrorist organizations (as designated by the Secretary of State) in Colombia the following:

(A) Logistics support, services, and supplies.

(B) The types of support authorized under section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

(C) The types of support authorized under section 1033(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85).

(2) SCOPE OF AUTHORITY.—The authority to provide assistance for a campaign under this

subsection includes authority to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any provision of law.

(c) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel employed by the United States may participate in any combat operation in connection with assistance using funds pursuant to the authority in subsection (a), except for the purpose of acting in self defense or of rescuing any United States citizen, including any United States Armed Forces personnel, United States civilian employee, or civilian contractor employed by the United States.

(d) RELATION TO OTHER AUTHORITIES.—The authority provided by subsection (a) is in addition to any other authority in law to provide assistance to the Government of Colombia.

(e) REPORT.—

(1) IN GENERAL.—Not later than November 1 following any fiscal year in which the Secretary of Defense provides support under subsection (a), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) A description of the support provided, including—

(i) a description of the support;

(ii) the cost of the support;

(iii) a list of the Colombia units to which support was provided; and

(iv) a list of the Colombia operations supported.

(B) Guidance for future Department of Defense support for a unified campaign by the Government of Colombia against narcotics trafficking and terrorism.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1014. QUARTERLY REPORTS ON USE OF FUNDS IN THE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE ACCOUNT.

(a) QUARTERLY REPORTS ON EXPENDITURES OF FUNDS.—Not later than 60 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the expenditure of funds, by project code, from the Drug Interdiction and Counter-Drug Activities, Defense-wide account during such fiscal year quarter, including expenditures of funds in direct or indirect support of the counter-drug activities of foreign governments.

(b) INFORMATION ON SUPPORT OF COUNTER-DRUG ACTIVITIES OF FOREIGN GOVERNMENTS.—The information in a report under subsection (a) on direct or indirect support of the counter-drug activities of foreign governments shall include, for each foreign government so supported, the following:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

(c) CESSATION OF REQUIREMENT.—No report shall be required under subsection (a) for any fiscal year quarter beginning on or after October 1, 2017.

(d) REPEAL OF OBSOLETE AUTHORITY.—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is repealed.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. RETIREMENT OF NAVAL VESSELS.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Chief of Naval Operations shall submit to the congressional defense committees a report that sets forth a comprehensive description of the current requirements of the Navy for combatant vessels of the Navy, including submarines.

(b) ADDITIONAL REPORT ELEMENT IF LESS THAN 313 VESSELS REQUIRED.—If the number of combatant vessels for the Navy (including submarines) specified as being required in the report under subsection (a) is less than 313 combatant vessels, the report shall include a justification for the number of vessels specified as being so required and the rationale by which the number of vessels is considered consistent with applicable strategic guidance issued by the President and the Secretary of Defense in 2012.

SEC. 1022. TERMINATION OF A MARITIME PREPOSITIONING SHIP SQUADRON.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Chief of Naval Operations and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report setting forth an assessment of the Marine Corps Prepositioning Program–Norway and the capability of that program to address any readiness gaps that will be created by the termination of Maritime Prepositioning Ship Squadron One in the Mediterranean.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the time required to transfer stockpiles onto Navy vessels for use in contingency operations.

(B) A comparison of the response time of the Marine Corps Prepositioning Program–Norway with the current response time of Maritime Prepositioning Ship Squadron One.

(C) A description of the equipment stored in the stockpiles of the Marine Corps Prepositioning Program–Norway, and an assessment of the differences, if any, between that equipment and the equipment of a Maritime Prepositioning Ship squadron.

(D) A description and assessment of the current age and state of maintenance of the equipment of the Marine Corps Maritime Prepositioning Program–Norway.

(E) A plan to address the equipment shortages and modernization needs of the Marine Corps Maritime Prepositioning Program–Norway.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated by this Act may not be obligated or expended to terminate a Maritime Prepositioning Ship squadron until the date of the submittal to the congressional defense committees of the report required by subsection (a).

SEC. 1023. SENSE OF CONGRESS ON RECAPITALIZATION FOR THE NAVY AND COAST GUARD.

(a) FINDINGS.—Congress makes the following findings:

(1) More than 70 percent of the world's surface is comprised of navigable oceans.

(2) More than 80 percent of the population of the world lives within 100 miles of an ocean.

(3) More than 90 percent of the world's commerce traverses an oceans.

(4) The national security of the United States is inextricably linked to the maintenance of global freedom of access for both the strategic and commercial interests of the United States.

(5) To maintain that freedom of access the sea services of the United States, composed of the Navy, the Marine Corps, and the Coast Guard, must be sufficiently positioned as rotationally globally deployable forces with the capability to decisively defend United States citizens, homeland, and interests abroad from direct or asymmetric attack and must be comprised of sufficient vessels to maintain global freedom of action.

(6) To achieve appropriate capabilities to ensure national security the Government of the United States must continue to recapitalize the fleets of the Navy and Coast Guard and must continue to conduct vital maintenance and repair of existing vessels to ensure such vessels meet service life goals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sea services of the United States should be funded and maintained to provide the broad spectrum of capabilities required to protect the national security of the United States;

(2) such capabilities should include—

(A) the ability to project United States power rapidly anywhere on the globe without the need for host nation basing permission or long and potentially vulnerable logistics supply lines;

(B) the ability to land and recover maritime forces from the sea for direct combat action, to evacuate United States citizens from hostile situations, and to provide humanitarian assistance where needed;

(C) the ability to operate from the subsurface with overpowering conventional combat power, as well as strategic deterrence; and

(D) the ability to operate in collaboration with United States maritime partners in the common interest of preventing piracy at sea and maintaining the commercial sea lanes available for global commerce;

(3) the Secretary of Defense, in coordination with the Secretary of the Navy, should maintain the recapitalization plans for the Navy as a priority in all future force structure decisions; and

(4) the Secretary of Homeland Security should maintain the recapitalization plans for the Coast Guard as a priority in all future force structure decisions.

SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the

Senate and the House of Representatives a report setting forth such proposal.

''(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.''.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

Subtitle D— Counterterrorism

SEC. 1031. EXTENSION OF CERTAIN PROHIBITIONS AND REQUIREMENTS RELATING TO DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN US FOR TRANSFER OF DETAINEES.—Section 1026(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1566) is amended by inserting ''or 2013'' after ''fiscal year 2012''.

(b) REQUIREMENTS FOR CERTIFICATIONS ON TRANSFERS OF DETAINEES TO FOREIGN COUNTRIES OR ENTITIES.—Section 1028(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1567; 10 U.S.C. 801 note) is amended by inserting ''or 2013'' after ''fiscal year 2012''.

SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No authorized to be appropriated funds may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

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

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1033. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b)(1) An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

''(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. ENHANCEMENT OF RESPONSIBILITIES OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF REGARDING THE NATIONAL MILITARY STRATEGY.

(a) IN GENERAL.—Subsection (b) of section 153 of title 10, United States Code, is amended to read as follows:

''(b) NATIONAL MILITARY STRATEGY.—

''(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this subsection. The Chairman shall complete preparation of the National Military Strategy or update in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

''(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands.

''(C) Each National Military Strategy (or update) submitted under this paragraph shall refer to and support each of the following:

''(i) The most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

''(ii) The most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title.

''(iii) The most recent Quadrennial Defense Review conducted by the Secretary of Defense pursuant to section 118 of this title.

''(iv) Any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

''(D) Each National Military Strategy (or update) submitted under this paragraph shall do the following:

''(i) Describe the strategic environment and the opportunities and challenges that affect United States national interests and United States national security.

''(ii) Describe the threats, such as international, regional, transnational, hybrid, terrorism, cyber-attack, weapons of mass destruction, asymmetric challenges, and any other categories of threats identified by the Chairman, to the United States national security.

''(iii) Identify the United States national military objectives and the relationship of those objectives to the strategic environment and to the threats described under clause (ii).

''(iv) Identify the operational concepts, missions, tasks, or activities necessary to support the achievement of the objectives identified under clause (iii).

''(v) Identify the fiscal, budgetary, and resource environments and conditions that, in the assessment of the Chairman, impact the strategy.

''(vi) Identify the implications of current force planning and sizing constructs for the strategy.

''(vii) Identify and assess the capacity, capabilities, and availability of United States forces (including both the regular and reserve components) to support the execution of missions required by the strategy.

''(viii) Identify areas in which the armed forces intends to engage and synchronize with other departments and agencies of the United States Government contributing to the execution of missions required by the strategy.

''(ix) Identify and assess potential areas in which the armed forces could be augmented by contributions from alliances (such as the North Atlantic Treaty Organization (NATO)), international allies, or other friendly nations in the execution of missions required by the strategy.

''(x) Identify and assess the requirements for contractor support to the armed forces for conducting training, peacekeeping, overseas contingency operations, and other major combat operations under the strategy.

''(xi) Identify the assumptions made with respect to each of clauses (i) through (x).

''(E) Each update to a National Military Strategy under this paragraph shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of a comprehensive review conducted in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the combatant commands, that a modification is needed.

''(2) RISK ASSESSMENT.—(A) The Chairman shall prepare each year an assessment of the risks associated with the most current National Military Strategy (or update) under paragraph (1). The risk assessment shall be known as the 'Risk Assessment of the Chairman of the Joint Chiefs of Staff'. The Chairman shall complete preparation of the Risk Assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

''(B) The Risk Assessment shall do the following:

''(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions in the National Military Strategy.

''(ii) Identify and define the strategic risks to United States interests and the military risks in executing the missions of the National Military Strategy.

''(iii) Identify and define levels of risk distinguishing between the concepts of probability and consequences, including an identification of what constitutes 'significant' risk in the judgment of the Chairman.

''(iv) Identify and assess risk in the National Military Strategy by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time, and, for each category of risk, assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

''(v) Identify and assess risk associated with the assumptions or plans of the National Military Strategy about the contributions or support of—

''(I) other departments and agencies of the United States Government (including their capabilities and availability);

''(II) alliances, allies, and other friendly nations, (including their capabilities, availability, and interoperability); and

''(III) contractors.

''(vi) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the National Military Strategy.

''(3) SUBMITTAL OF NATIONAL MILITARY STRATEGY AND RISK ASSESSMENT TO CONGRESS.—(A) Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the National Military Strategy or update, if any, prepared under paragraph (1) in such year.

''(B) Not later than February 15 each year, the Chairman shall, through the Secretary of

Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the Risk Assessment prepared under paragraph (2) in such year.

''(4) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—(A) In transmitting a National Military Strategy (or update) or Risk Assessment to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

''(B) If the Risk Assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the National Military Strategy (or update) are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vi), the Secretary shall include in the transmittal of the Risk Assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—

''(i) address the risk assumed in the National Military Strategy (or update) concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

''(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.''.

(b) CONFORMING AMENDMENT.—Such section is further amended by striking subsection (d).

SEC. 1042. MODIFICATION OF AUTHORITY ON TRAINING OF SPECIAL OPERATIONS FORCES WITH FRIENDLY FOREIGN FORCES.

(a) AUTHORITY TO PAY FOR MINOR MILITARY CONSTRUCTION IN CONNECTION WITH TRAINING.—Subsection (a) of section 2011 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) Expenses of minor military construction directly related to that training with such expenses payable from amounts available to the commander for unspecified minor military construction, except that—

''(A) the amount of any project for which such expenses are so payable may not exceed $250,000; and

''(B) the total amount of such expenses so paid in any fiscal year may not exceed $2,000,000.''.

(b) PURPOSES OF TRAINING.—Subsection (b) of such section is amended to read as follows:

''(b) PURPOSES OF TRAINING.—The purposes of the training for which payment may be made under subsection (a) shall be as follows:

''(1) To train the special operations forces of the combatant command.

''(2) In the case of a commander of a combatant command having a geographic area of responsibility, to train the military forces and other security forces of a friendly foreign country in a manner consistent with the Theater Campaign Plan of the commander for that geographic area.''.

(c) PRIOR APPROVAL.—Subsection (c) of such section is amended by inserting before the period at the end of the second sentence the following: '', or, in the case of training activities carried out after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the approval of the Secretary of Defense, in coordination with the Secretary of State''.

(d) REPORTS.—Subsection (e) of such section is amended—

(1) in paragraph (3)—

(A) by inserting ''or other security'' after ''foreign'' the first place it appears; and

(B) by striking ''foreign military personnel'' and inserting ''such foreign personnel'';

(2) in paragraph (4)—

(A) by striking ''and military training activities'' and inserting ''military training activities''; and

(B) by inserting before the period at the end the following: '', and training programs sponsored by the Department of State'';

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following new paragraph (6):

''(6) A description of any minor military construction projects for which expenses were paid, including a justification of the benefits of each such project to training under this section.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the of the enactment of this Act. The amendments made by subsection (d) shall apply with respect to any reports submitted under subsection (e) of section 2011 of title 10, United States Code (as so amended), after that date.

SEC. 1043. EXTENSION OF AUTHORITY TO PROVIDE ASSURED BUSINESS GUARANTEES TO CARRIERS PARTICIPATING IN CIVIL RESERVE AIR FLEET.

(a) EXTENSION.—Subsection (k) of section 9515 of title 10, United States Code, is amended by striking ''December 31, 2015'' and inserting ''December 31, 2020''.

(b) APPLICATION TO ALL SEGMENTS OF CRAF.—Such section is further amended—

(1) in subsection (a)(3), by striking ''passenger''; and

(2) in subsection (j), by striking '', except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel''.

SEC. 1044. PARTICIPATION OF VETERANS IN THE TRANSITION ASSISTANCE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Each veteran, during the one-year period beginning on the date on which the veteran is discharged or separated from service in the Armed Forces, shall be authorized to participate in the Transition Assistance Program (TAP) of the Department of Defense.

(b) SCOPE OF AUTHORIZED PARTICIPATION.—As part of their participation in the Transition Assistance Program pursuant to this section, veterans shall be authorized to receive the following:

(1) Transition assistance counseling under the program at any military installation at which transition assistance counseling is being provided to members of the Armed Forces under the program.

(2) Ongoing access to the electronic materials and information provided as part of the Transition Assistance Program, including access after the end of the one-year period of participation under subsection (a).

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a memorandum of understanding regarding the participation of veterans in the Transition Assistance Program pursuant to this section. The memorandum of understanding shall provide for the access of veterans to military installations for purposes of participation in the Transition Assistance Program and such other matters as such Secretaries jointly consider appropriate for purposes of this section.

(d) DEFINITIONS.—In this section:

(1) The term ''Transition Assistance Program'' means the program carried out by the Department of Defense under sections 1142 and 1144 of title 10, United States Code.

(2) The term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

SEC. 1045. MODIFICATION OF THE MINISTRY OF DEFENSE ADVISOR PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1599; 10 U.S.C. 168 note) is amended by inserting—

(1) in the matter preceding paragraph (1), by inserting '', regional organizations with defense or security components, and international organizations of which the United States is a member'' after ''foreign countries''; and

(2) by inserting ''or organization'' after ''ministry'' both places it appears.

(b) REPORTS.—Subsection (c) of such section is amended—

(1) by inserting ''or organizations'' after ''defense ministries'' both places it appears; and

(2) by striking paragraph (7).

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 1081. AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE AND CERTAIN REGIONAL AND INTERNATIONAL ORGANIZATIONS.''.

SEC. 1046. INTERAGENCY COLLABORATION ON UNMANNED AIRCRAFT SYSTEMS.

(a) FINDINGS ON JOINT DEPARTMENT OF DEFENSE FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.—Section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596) is amended by adding at the end the following new paragraph:

''(9) Collaboration of scientific and technical personnel and sharing of technical information, test results, and resources where available from the Department of Defense, the Federal Aviation Administration, and the National Aeronautics and Space Administration can advance an enduring relationship of research capability to advance the access of unmanned aircraft systems of the Department of Defense, the National Aeronautics and Space Administration and other public agencies to the National Airspace System.''.

(b) INTERAGENCY COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned aircraft systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 126 Stat. 72).

(2) ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012.

(3) NONDUPLICATIVE EFFORTS.—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment, research radars, and ground facilities of the Department of Defense to avoid duplication of efforts in carrying out collaboration under paragraph (1).

(4) REPORTS.—

(A) REQUIREMENT.—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of research activity of the Department of Defense, including—

(i) progress in accomplishing the goals of the unmanned aircraft systems research, development, and demonstration as related to the Department of Defense Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems of October 2010, and any ongoing and collaborative research and development programs with the Federal Aviation Administration and the National Aeronautics and Space Administration and

(ii) estimates of long-term funding needs and details of funds expended and allocated in the budget requests of the President that support integration into the National Airspace.

(B) TERMINATION.—The requirement to submit a report under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this section, the term ''UAS Executive Committee'' means the National Aeronautics and Space and Administration and the Department of Defense–Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 and established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1047. SENSE OF SENATE ON NOTICE TO CONGRESS ON UNFUNDED PRIORITIES.

It is the sense of the Senate that—

(1) not later than 45 days after the submittal to Congress of the budget for a fiscal year under section 1105(a) of title 31, United States Code, each officer specified in paragraph (2) should, through the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, submit to the congressional defense committees a list of any priority military programs or activities under the jurisdiction of such officer for which, in the estimate of such officer additional funds, if available, would substantially reduce operational or programmatic risk or accelerate the creation or fielding of a critical military capability;

(2) the officers specified in this paragraph are—

(A) the Chief of Staff of the Army;

(B) the Chief of Naval Operations;

(C) the Chief of Staff of the Air Force;

(D) the Commandant of the Marine Corps; and

(E) the Commander of the United States Special Operations Command; and

(3) each list, if any, under paragraph (1) should set forth for each military program or activity on such list—

(A) a description of such program or activity;

(B) a summary description of the justification for or objectives of additional funds, if available for such program or activity; and

(C) the additional amount of funds recommended in connection with the justification or objectives described for such program or activity under subparagraph (B).

SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting ''or professional continuing education certificate'' after ''master's degree'';

(2) in the third sentence, by striking ''125 such defense industry employees'' and inserting ''250 such defense industry employees''; and

(3) in the last sentence, by inserting before the period at the end the following: ''or an appropriate professional continuing education certificate, as applicable''.

(b) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting ''or professional continuing education certificate'' after ''graduate degree'';

(2) in paragraph (2), by striking ''125 defense industry employees'' and inserting ''250 defense industry employees''; and

(3) in paragraph (3), by inserting before the period at the end the following: ''or an appropriate professional continuing education certificate, as applicable''.

SEC. 1049. MILITARY WORKING DOG MATTERS.

(a) RETIREMENT OF MILITARY WORKING DOGS.—

(1) Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

''(1) to the 341st Training Squadron; or

''(2) to another location for adoption under this section.''.

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 993. Military working dogs: veterinary care for retired military working dogs

''(a) IN GENERAL.—The Secretary of Defense may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided by the Federal Government for this purpose.

''(b) ELIGIBLE DOGS.—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

''(c) STANDARDS OF CARE.—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

''993. Military working dogs: veterinary care for retired military working dogs.''.

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense may authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

SEC. 1050. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States with respect to the capacity of the Afghan National Security Forces (ANSF).

SEC. 1051. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

SEC. 1052. TRANSITION ASSISTANCE ADVISOR PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1144 the following new section:

''§ 1144a. Transition Assistance Advisors

''(a) IN GENERAL.—The Secretary of Defense shall establish as part of the Transition Assistance Program (TAP) a Transition Assistance Advisor (TAA) program to provide professionals in each State to serve as statewide points of contact to assist members of the armed forces in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

''(b) NUMBER OF ADVISORS.—The Secretary of Defense shall ensure that the minimum number of Transition Assistance Advisors in each State is as follows:

''(1) During the period beginning 180 days before the commencement of a contingency operation (or, if later, as soon before as is otherwise practicable) and ending 180 days after the conclusion of such contingency operation—

''(A) in the case of a State with fewer than 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

''(B) in the case of a State with 1,500 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

''(2) At any time not covered by paragraph (1)—

''(A) in the case of a State with fewer than 5,000 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

''(B) in the case of a State with 5,000 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

''(c) DUTIES.—The duties of a Transition Assistance Advisor includes the following:

''(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (d)(2) and their families for the reintegration of such members into civilian life.

''(2) To provide employment support services to members of the National Guard and their families, including assistance with discovering employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

''(3) Provide information on relocation, health care, mental health care, and financial support services available to members of the National Guard or their families from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

''(4) Provide information on educational support services available to members of the National Guard, including Post-9/11 Educational Assistance under chapter 33 of title 38.

''(d) TRANSITION PLANS.—(1) Each individual plan created under subsection (c)(1) for a member of the National Guard described in paragraph (2) shall include the following:

''(A) A plan for the transition of the member to life in the civilian world, including with respect to employment, education, and health care.

''(B) A description of the transition services that the member and the member's family will need to achieve their transition objectives, including information on any forms that such member will need to fill out to be eligible for such services.

''(C) A point of contact for each agency or entity that can provide the transition services described in subparagraph (B).

''(2) A member of the National Guard described in this paragraph is any member of the National Guard who has served on active duty in the armed forces for a period of more than 180 days.

''(e) FUNDING.—Amounts for the program established under subsection (a) for a fiscal year shall be derived from amounts authorized to be appropriated for operations and maintenance for the National Guard for that fiscal year.

''(f) STATE DEFINED.—In this section, the term 'State' means each of the several States of the United States, the District of Columbia, and any territory of the United States.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by inserting after the item relating to section 1144 the following new item:

''1144a. Transition Assistance Advisors.''.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description of the efforts of the Secretary to implement the requirements of section 1144A of title 10, United States Code, as added by subsection (a)(1).

Subtitle F—Reports

SEC. 1061. REPORT ON STRATEGIC AIRLIFT AIRCRAFT.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the following:

(1) An assessment of the feasibility and advisability of obtaining a Federal Aviation Administration certification for commercial use of each of the following:

(A) A commercial variant of the C–17 aircraft.

(B) A retired C–17A aircraft.

(C) a retired C–5A aircraft.

(2) An assessment of the current limitations of the aircraft of the Civil Reserve Air Fleet.

(3) An assessment of the potential for using the aircraft referred to in paragraph (1) in the Civil Reserve Air Fleet.

(4) An assessment of the advantages of adding the aircraft referred to in paragraph (1) to the Civil Reserve Air Fleet.

(5) An update on the status of any cooperation between the Federal Aviation Administration and the Department of Defense on the certification of the aircraft referred to in paragraph (1).

(6) A description of all actions required, including any impediments to such actions, to offering retired C–5A aircraft or retired C–17A aircraft as excess defense articles to United States allies or for sale to Civil Reserve Air Fleet carriers.

(7) A description of the actions required for interested allies or Civil Reserve Air Fleet carriers to take delivery of excess C–5A aircraft or excess C–17A aircraft, including the actions, modifications, or demilitarization necessary for such recipients to take delivery of such aircraft, and provisions for permitting such recipients to undertake responsibility for such actions, to the maximum extent practicable.

SEC. 1062. REPEAL OF BIENNIAL REPORT ON THE GLOBAL POSITIONING SYSTEM.

Section 2281 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 1063. REPEAL OF ANNUAL REPORT ON THREAT POSED BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.

Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1664; 50 U.S.C. 2367) is repealed.

SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.

(a) FINDINGS.—Congress makes the following findings:

(1) In its December 2011 report entitled ''Critical Materials Strategy'', the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, reprocess, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent lighting waste in order to increase its supplies of heavy rare earth elements; and

(4) the recycling of heavy rare earth elements may be one component of a long term strategic plan to address the global demand for such elements, without which such elements could be unnecessarily lost.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the results of a cost-benefit analysis on, and on recommendations concerning, the feasibility and advisability of establishing a program within the Department of Defense to—

(A) recapture fluorescent lighting waste; and

(B) make such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

(2) ELEMENTS.—The report required by paragraph (1) shall include analysis of measures that could be taken to—

(A) provide for the disposal and mitigation of residual mercury and other hazardous byproducts to be produced by the recycling process; and

(B) address concerns regarding the potential export of heavy rare earth materials obtained from United States Government sources to non-allied nations.

SEC. 1065. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasability and advisability of establishing a joint Armed Forces historical storage and preservation facility. The report shall include a description and assessment of the current capacities and qualities of the historical storage and preservation facilities of each of the Armed Forces, including the following:

(1) An identification of any excess capacity at any such facility.

(2) An identification of any shortfalls in the capacity or quality of such facilities of any Armed Force, and a description of possible actions to address such shortfalls.

SEC. 1066. STUDY ON BRADLEY FIGHTING VEHICLE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall conduct a study on the Bradley Fighting Vehicle industrial base.

(b) CONTENT.—The study required under subsection (a) shall—

(1) assess the quantitative impacts of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and

(2) assess the qualitative impacts of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

SEC. 1067. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

SEC. 1068. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

SEC. 1069. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRASTRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.

(a) STUDY REQUIRED.—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) REPORT AND PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 1069A. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight training in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as ''G readiness'' and ''G tolerance'').

(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) REPORT.—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment in light of the report.

SEC. 1069B. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.

(b) ELEMENTS.—The report required by subsection (a) shall include, but not be limited to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

(1) Department of Defense authorities, directives, and guidelines in support of diplomatic security.

(2) Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.

(3) Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:

(A) Marine Corps Embassy Security Guard detachments.

(B) Training and advising host nation security forces for diplomatic security.

(C) Intelligence collection to prevent and respond to threats to diplomatic security.

(D) Security assessments of diplomatic missions.

(E) Support of emergency action planning.

(F) Rapid response forces to respond to threats to diplomatic security.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1069C. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE SPENDING FOR CONFERENCES AND CONVENTIONS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of Department of Defense spending for conferences and conventions. The report shall include, at a minimum, an assessment of the following:

(1) The extent to which Department spending for conferences and conventions has been wasteful or excessive.

(2) The actions the Department has taken to control spending for conferences and conventions, and the efficacy of those actions.

(3) Any fees incurred for the cancellation of conferences or conventions and an evaluation of the impact of cancelling conferences and conventions.

Subtitle G—Nuclear Matters

SEC. 1071. STRATEGIC DELIVERY SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Nuclear Posture Review of 2010 said, with respect to modernizing the triad, ''for planned reductions under New START, the United States should retain a smaller Triad of SLBMs, ICBMs, and heavy bombers. Retaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities''.

(2) The Senate stated in Declaration 12 of the Resolution of Advice and Consent to Ratification of the New START Treaty that ''In accordance with paragraph 1 of Article V of the New START Treaty, which states that, 'Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out,' it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems''.

(3) The Senate required the President, prior to the entry into force of the New START Treaty, to certify to the Senate that the President intended to modernize or replace the triad of strategic nuclear delivery systems.

(4) The President made this certification in a message to the Senate on February 2, 2011, in which the President stated, ''I intend to (a) modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM; and (b) maintain the United States rocket motor industrial base''.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 491. Strategic delivery systems

''(a) ANNUAL CERTIFICATION.—Beginning in fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether plans to modernize or replace strategic delivery systems are fully funded at levels equal to or more than the levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), including plans regarding—

''(1) a heavy bomber and air-launched cruise missile;

''(2) an intercontinental ballistic missile;

''(3) a submarine-launched ballistic missile;

''(4) a ballistic missile submarine; and

''(5) maintaining the nuclear command and control system (as first reported in section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576)).

''(b) ADDITIONAL REPORT MATTERS FOLLOWING CERTAIN CERTIFICATIONS.—If the President certifies under subsection (a) that plans to modernize or replace strategic delivery systems are not fully funded, the President shall include in the next annual report submitted to Congress under section 1043 of the National Defense Authorization Act for Fiscal Year 2012 the following:

''(1) A determination whether or not the lack of full funding will result in a loss of military capability when compared with the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010.

''(2) If the determination under paragraph (1) is that the lack of full funding will result in a loss of military capability—

''(A) a plan to preserve or retain the military capability that would otherwise be lost; or

''(B) a report setting forth—

''(i) an assessment of the impact of the lack of full funding on the strategic delivery systems specified in subsection (a); and

''(ii) a description of the funding required to restore or maintain the capability.

''(3) A certification by the President whether or not the President is committed to accomplishing the modernization and replacement of strategic delivery systems and will meet the obligations concerning nuclear modernization as set forth in declaration 12 of the Resolution of Advice and Consent to Ratification of the New START Treaty.

''(c) TREATMENT OF CERTAIN REDUCTIONS.—Any certification under subsection (a) shall not take into account the following:

''(1) Reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and delivery systems.

''(2) Strategic delivery systems that are retired or awaiting dismantlement on the date of the certification under subsection (a).

''(d) DEFINITIONS.—In this section:

''(1) The term 'New START Treaty' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

''(2) The term 'strategic delivery system' means a delivery system for nuclear weapons.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

''491. Strategic delivery systems.''.

SEC. 1072. REQUIREMENTS DEFINITION FOR COMBINED WARHEAD FOR CERTAIN MISSILE SYSTEMS.

Not later than 60 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit Congress a report setting forth a definition of the requirements for a combined warhead for the W–78 Minuteman III missile system and the W–88 Trident D–5 missile system. The definition shall serve as the basis for a 6.1 conception definition and 6.2 feasibility study for the combined systems.

SEC. 1073. CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF NUCLEAR WEAPONS AND DELIVERY SYSTEMS.

Not later than one year after the date of the enactment of this Act, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth the following:

(1) An estimate of the costs over the 10-year period beginning on the date of the report associated with fielding and maintaining the current nuclear weapons and nuclear weapon delivery systems of the United States.

(2) An estimate of the costs over the 10-year period beginning on the date of the report of any life extension, modernization, or replacement of any current nuclear weapons or nuclear weapon delivery systems of the United States that is anticipated as of the date of the report.

SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.

(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President's designee, shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) SENSE OF THE SENATE ON CERTAIN AGREEMENTS.—It is the sense of the Senate that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

Subtitle H—Other Matters

SEC. 1081. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) REDESIGNATION.—

(1) IN GENERAL.—The Center for Hemispheric Defense Studies is hereby redesignated as the ''William J. Perry Center for Hemispheric Defense Studies''.

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the center referred to in paragraph (1) shall be considered to be a reference to the William J. Perry Center for Hemispheric Defense Studies.

(b) CONFORMING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) In section 184—

(A) in subsection (b)(2), by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) The William J. Perry Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.''; and

(B) in subsection (f)(5), by striking ''Center for Hemispheric Defense Studies'' and inserting ''William J. Perry Center for Hemispheric Defense Studies''.

(2) In section 2611(a)(2), by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) The William J. Perry Center for Hemispheric Defense Studies.''.

SEC. 1082. TECHNICAL AMENDMENTS TO REPEAL STATUTORY REFERENCES TO UNITED STATES JOINT FORCES COMMAND.

Title 10, United States Code, is amended as follows:

(1)(A) Section 232 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 232.

(2) Section 2859(d) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(3) Section 10503(13)(B) is amended—

(A) by striking clause (iii); and

(B) redesignating clause (iv) as clause (iii).

SEC. 1083. SENSE OF CONGRESS ON NON-UNITED STATES CITIZENS WHO ARE GRADUATES OF UNITED STATES EDUCATIONAL INSTITUTIONS WITH ADVANCED DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) FINDINGS.—Congress makes the following findings:

(1) It is a national security concern that more than half of all graduates with advanced scientific and technical degrees from United States institutions of higher education are non-United States citizens who have very limited opportunities upon graduation to contribute to the science and technology activities of the Department of Defense and the United States defense industrial base.

(2) The capabilities of the Armed Forces are highly reliant upon advanced technologies that provide our forces with a technological edge on the battlefield.

(3) In order to maintain and advance our military technological superiority, the United States requires the best and brightest scientists, mathematicians, and engineers to discover, develop, and field the next generation of weapon systems and defense technologies.

(4) The Department of Defense and the defense industrial base compete with other sectors for a limited number of United States citizens who have appropriate advanced degrees and skills.

(5) While an overarching national priority is to increase the numbers of United States citizens who have appropriate advanced degrees in science, technology, engineering, and mathematics (STEM), it would be beneficial if the Department of Defense and the defense industrial base were able to access the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, many of whom are otherwise returning to their home countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Department of Defense should make every reasonable and practical effort to increase the number of United States citizens who pursue advanced degrees in science, technology, engineering, and mathematics; and

(2) to strongly urge the Department of Defense to investigate innovative mechanisms (subject to all appropriate security requirements) to access to the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, especially in those scientific and technical areas that are most vital to the national defense (such as those identified by the Assistant Secretary of Defense for Research and Engineering and the Armed Forces).

SEC. 1084. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FINDINGS.—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear ''Triad'' of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that ''[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities''.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that ''it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems''.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to ''modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM'' and to ''maintain the United States rocket motor industrial base''.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

SEC. 1085. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the ''Texas State Strike Force Team'' and the ''Fully Developed Claims Team Initiative'', is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations ''and state and county service officers . . . are important partners in VBA's transformation to better serve Veterans.''.

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the ''TVC is working very, very well'' with regional offices of the Department in Texas, calling the Texas Veterans Commission a ''very positive story that we can branch out into . . . all of our stakeholders.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two previous initiatives by the Texas Veterans Commission, namely the 2008–2009 Development Assistant Pilot Project and the 2009–2011 Claims Processing Assistance Team.

(B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

(E) A description of how partnerships with non-Federal entities described in subparagraph (B) will fit into the Secretary's overall claims processing transformation plan.

SEC. 1086. SENSE OF THE SENATE ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.

It is the sense of the Senate that—

(1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.

SEC. 1087. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) of title 38, United States Code, is amended by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

SEC. 1088. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.

It is the sense of Congress that the bugle call commonly known as ''Taps'' should be designated as the National Song of Military Remembrance.

SEC. 1089. REPORTS ON THE POTENTIAL SECURITY THREAT POSED BY BOKO HARAM.

(a) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) SECRETARY OF STATE REPORT.—Not later than 90 days after the date the report required by subsection (a) is submitted to Congress, the Secretary of State shall submit to Congress a report describing the strategy of the United States to counter the threat posed by Boko Haram.

SEC. 1090. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 34(d)'' and inserting ''section 33(d)'';

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking ''section 35'' each place it appears and inserting ''section 34'';

(ii) in subsection (a)—

(I) in paragraph (2), by striking ''section 35(c)(2)(B)'' and inserting ''section 34(c)(2)(B)'';

(II) in paragraph (4), by striking ''section 35(c)(2)'' and inserting ''section 34(c)(2)''; and

(III) in paragraph (5), by striking ''section 35(c)'' and inserting ''section 34(c)''; and

(iii) in subsection (h)(2), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking ''section 34'' each place it appears and inserting ''section 33''; and

(ii) in subsection (c)(1), by striking section ''34(c)(1)(E)(ii)'' and inserting section ''33(c)(1)(E)(ii)'';

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking ''and the National Veterans Business Development Corporation''.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking ''any of the'' and all that follows and inserting ''any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).''.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking ''section 43 of the Small Business Act, as added by this Act'' and inserting ''section 42 of the Small Business Act (15 U.S.C. 657o)''.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking ''In cooperation with the National Veterans Business Development Corporation, develop'' and inserting ''Develop''.

SEC. 1091. WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as ''Parcel 1'' on the map entitled ''White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal'' and dated April 3, 2012 (referred to in this section as the ''map'');

(B) the approximately 37,600 acres of land depicted as ''Parcel 2'', ''Parcel 3'', and ''Parcel 4'' on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as ''Parcel 4'' on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as ''Parcel 2'' on the map—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

SEC. 1092. TRANSPORT FOR FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended by adding at the end the following:

''(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.''.

SEC. 1093. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) CODIFICATION OF PROHIBITION.—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or

conveyance of the object to a foreign country or entity controlled by a foreign government.

''(2) In this subsection:

''(A) The term 'entity controlled by a foreign government' has the meaning given that term in section 2536(c)(1) of this title.

''(B) The term 'veterans memorial object' means any object, including a physical structure or portion thereof, that—

''(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

''(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

''(iii) was brought to the United States from abroad as a memorial of combat abroad.

''(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

''(A) the transfer of that veterans memorial object is specifically authorized by law; or

''(B) the transfer is made after September 30, 2017.''.

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is repealed.

SEC. 1094. TRANSFER OF EXCESS AIRCRAFT TO OTHER DEPARTMENTS.

(a) TRANSFER.—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—

(1) IN GENERAL.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service or the United States Coast Guard as a suitable platform to carry out their respective missions;

(B) subject to paragraphs (2) and (3), excess to the needs of the Department of Defense, as determined by the Secretary of Defense;

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture; and

(D) acceptable for use by the United States Coast Guard, as determined by the Secretary of Homeland Security.

(2) LIMITATION ON NUMBER.—The number of aircraft that may be transferred to either the Secretary of Agriculture or the Secretary of Homeland Security may not exceed 12 aircraft.

(3) LIMITATIONS ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be excess for the purposes of this subsection, unless such aircraft are determined to be excess in the report referenced by subsection (b) of section 1703 of title XVII of this Act, or if such aircraft are otherwise prohibited from being determined excess by law.

(c) PRIORITY IN TRANSFER.—The Secretary of Agriculture and the Secretary of Homeland Security shall be afforded equal priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) CONDITIONS OF TRANSFER.—Excess aircraft transferred to the Secretary of Agriculture under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

SEC. 1095. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking ''during the period beginning on October 1, 1996, and ending on September 30, 2005'' and inserting ''during a period specified in subsection (g)'';

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

''(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

''(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

''(2) The period beginning on October 1, 2012, and ending on September 30, 2017.''.

SEC. 1096. PROTECTION OF VETERANS' MEMORIALS.

(a) TRANSPORTATION OF STOLEN MEMORIALS.—Section 2314 of title 18, United States Code, is amended by adding at the end the following:

''In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of $5,000 or more does not apply. In this paragraph, the term 'veterans' memorial' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.''.

(b) SALE OR RECEIPT OF STOLEN MEMORIALS.—Section 2315 of such title is amended by adding at the end the following:

''In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of $5,000 or more does not apply. In this paragraph, the term 'veterans' memorial' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.''.

SEC. 1097. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

''§ 111A. Transportation of individuals to and from Department facilities

''(a) TRANSPORTATION BY SECRETARY.—The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.''.

(b) CONFORMING AMENDMENT.—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting ''TRANSPORTATION BY THIRD-PARTIES.—'' before ''The Secretary''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

''111A. Transportation of individuals to and from Department facilities.''.

SEC. 1098. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) COORDINATION AND COOPERATION.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 1099. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking ''those professional societies'' and all that follows through ''the Armed Forces Institute of Pathology'' and inserting ''the professional societies and organizations that support the activities of the American Registry of Pathology''; and

(ii) by striking the second sentence; and

(B) in paragraph (3), by striking ''with the concurrence of the Director of the Armed Forces Institute of Pathology'';

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking ''accept gifts and grants from and''; and

(ii) by inserting ''and accept gifts and grants from such entities'' before the semicolon; and

(3) in subsection (d), by striking ''to the Director'' and all that follows through ''it deems desirable,'' and inserting ''annually to its Board and supporting organizations referred to in subsection (a)(2)''.

SEC. 1099A. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.

(a) IN GENERAL.—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

''(1) fully and accurately counted; and

''(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.''.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

SEC. 1099B. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

''(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

''(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

''(ii) to disclose to the Secretary in writing the following:

''(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

''(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

''(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).''

''(B) A certification or license described in this subparagraph is any of the following:

''(i) A license to be a State tested nursing assistant or a certified nursing assistant.

''(ii) A commercial driver's license.

''(iii) An emergency medical technician license EMT–B or EMT–I.

''(iv) An emergency medical technician–paramedic license.

''(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

SECTION 1099C. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest'';

(B) in subsection (d), by striking ''as a law enforcement officer'' and inserting ''that identifies the employee as a police officer or law enforcement officer of the agency''; and

(C) in subsection (f), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(B) in subsection (d)—

(i) in paragraph (1), by striking ''that indicates'' and inserting ''that identifies the person as having been employed as a police officer or law enforcement officer and indicates''; and

(ii) in paragraph (2)(A), by inserting ''that identifies the person as having been employed as a police officer or law enforcement officer'' after ''officer''.

SEC. 1099D. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.

It is the sense of Congress that the Department of Defense should partner with the United States Postal Service (USPS) to modernize the USPS mail delivery system to address problems with the delivery of absentee ballots and ensure the effective and efficient delivery of such ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

SEC. 1099E. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after ''Guam,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY FOR TRANSPORTATION OF FAMILY HOUSEHOLD PETS OF CIVILIAN PERSONNEL DURING EVACUATION OF NON-ESSENTIAL PERSONNEL.

Section 5725 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by inserting ''and family household pets,'' after ''personal effects,''; and

(2) by adding at the end the following new subsection:

''(c)(1) Authority under subsection (a) to transport family household pets of an employee includes authority for shipment and the payment of quarantine costs, if any.

''(2) An employee for whom transportation of family household pets is authorized under subsection (a) may be paid reimbursement or a monetary allowance if other commercial transportation means have been used.

''(3) The provision of transportation of family household pets for an employee of the Department of Defense under subsection (a) and the payment of reimbursement under paragraph (2) shall be subject to the same terms and conditions as apply under subsection 406(b)(1)(H)(iii) of title 37 with respect to family household pets of members of the uniformed services, including limitations on the types, size, and number of pets for which transportation may be provided or reimbursement paid.''.

SEC. 1102. EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL AT THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) EXPANSION.—Section 1101(b)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking ''40'' and inserting ''60''.

(b) CONSTRUCTION.—The amendment made by subsection (a) shall not be construed as affecting any applicable authorization or delimitation of the numbers of personnel that may be employed at the Defense Advanced Research Projects Agency.

SEC. 1103. ONE-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and amended by section 1112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1616), is further amended by striking ''2013'' and inserting ''2014''.

SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting ''or (3)'' after ''paragraph (2)''; and

(B) by adding at the end the following:

''(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.''.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by adding ''or'' at the end; and

(3) by inserting after paragraph (2) the following:

''(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

''(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

''(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National

Defense Authorization Act for Fiscal Year 2013,''.

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting '', except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period;

(2) in subsection (c), in the first sentence, by inserting '', except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period; and

(3) in subsection (d), in the first sentence, by inserting '', except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''The annuity of an employee'' and inserting ''(1) Except as provided in paragraph (2), the annuity of an employee''; and

(3) by adding at the end the following:

''(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

''(i) 1 7/10 percent of that individual's average pay multiplied by so much of such individual's civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

''(ii) 1 percent of that individual's average pay multiplied by the remainder of such individual's total service.

''(B) An employee described in this subparagraph is an employee who—

''(i) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013; and

''(ii) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.''.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND MODIFICATION OF NOTICE IN CONNECTION WITH INITIATION OF ACTIVITIES.

(a) EXTENSION.—Subsection (g) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as most recent amended by section 1204(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1622), is further amended—

(1) by striking ''September 30, 2013'' and inserting ''September 30, 2014''; and

(2) by striking ''fiscal years 2006 through 2013'' and inserting ''fiscal years 2006 through 2014''.

(b) MODIFICATION OF NOTICE.—

(1) IN GENERAL.—Subsection (e)(2) of such section 1206, as amended by section 1206(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by adding at the end the following new subparagraph:

''(D) Detailed information (including the amount and purpose) on the assistance provided the country during the three preceding fiscal years under each of the following programs or accounts:

''(i) A program under this section.

''(ii) The Foreign Military Financing program under the Foreign Assistance Act of 1961.

''(iii) Peacekeeping Operations.

''(iv) The International Narcotics Control and Law Enforcement (INCLE) program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291).

''(v) Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR).''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any country in which activities are initiated under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 on or after that date.

SEC. 1202. EXTENSION OF AUTHORITY FOR NONRECIPROCAL EXCHANGE OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

Section 1207(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2514; 10 U.S.C. 168 note) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2017''.

SEC. 1203. AUTHORITY TO BUILD THE CAPACITY OF CERTAIN COUNTERTERRORISM FORCES IN YEMEN AND EAST AFRICA.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance as follows:

(1) To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

(2) To enhance the capacity of the national military forces, security agencies serving a similar defense function, other counterterrorism forces, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(3) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(b) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—Assistance under subsection (a) may include the provision of equipment, supplies, training, and minor military construction.

(2) REQUIRED ELEMENTS.—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in the country receiving such assistance.

(3) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any other provision of law.

(4) LIMITATIONS ON MINOR MILITARY CONSTRUCTION.—The total amount that may be obligated and expended on minor military construction under subsection (a) in any fiscal year may not exceed amounts as follows:

(A) In the case of minor military construction under paragraph (1) of subsection (a), $10,000,000.

(B) In the case of minor military construction under paragraphs (2) and (3) of subsection (a), $10,000,000.

(c) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for a fiscal year for the Department of Defense for operation and maintenance—

(A) not more than $75,000,000 may be used to provide assistance under paragraph (1) of subsection (a); and

(B) not more than $75,000,000 may used to provide assistance under paragraphs (2) and (3) of subsection (a).

(2) AVAILABILITY OF FUNDS FOR ASSISTANCE ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for assistance under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(e) EXPIRATION.—Except as provided in subsection (c)(2), the authority provided under subsection (a) may not be exercised after the earlier of—

(1) the date on which the Global Security Contingency Fund achieves full operational capability; or

(2) September 30, 2014.

SEC. 1204. LIMITATION ON AVAILABILITY OF FUNDS FOR STATE PARTNERSHIP PROGRAM.

(a) LIMITATION.—Of the amounts authorized to be appropriated by this Act and available for the State Partnership Program, not more than 50 percent may be obligated or expended for that Program until the latter of the following:

(1) The date on which the Secretary of Defense submits to the appropriate congressional committees the final regulations required by subsection (a) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note).

(2) The date on which the Secretary of Defense certifies to the appropriate congressional committees that appropriate modifications have been made, and appropriate controls have been instituted, to ensure the compliance of the Program with section 1341 of title 31, United States Code (commonly referred to as the ''Anti-Deficiency Act''), in the future.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' has

the meaning given that term in subsection (d) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) ONE-YEAR EXTENSION.—

(1) IN GENERAL.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619) is amended by striking ''fiscal year 2012'' each place it appears and inserting ''fiscal year 2013''.

(2) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking ''FISCAL YEAR 2012'' and inserting ''FISCAL YEAR 2013''.

(b) AMOUNT OF FUNDS AVAILABLE DURING FISCAL YEAR 2013.—Subsection (a) of such section is further amended by striking ''$400,000,000'' and inserting ''$200,000,000''.

SEC. 1212. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) LIMITATION ON AMOUNT OF FUNDS FOR FISCAL YEAR 2013.—Subsection (c) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631; 10 U.S.C. 113 note) is amended by striking ''in fiscal year 2012'' and all that follows and inserting ''may not exceed amounts as follows:

''(1) In fiscal year 2012, $524,000,000.

''(2) In fiscal year 2013, $508,000,000.''.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by inserting ''or 2013'' after ''fiscal year 2012''.

SEC. 1213. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011–12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—

(A) an assessment of the capacity of the Government of Afghanistan—

(i) to prevent, mitigate, and respond to forced displacement; and

(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and

(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.

(b) EXTENSION OF AUTHORITY.—Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392), as amended by section 1216 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) in subsection (a)—

(A) by striking ''$50,000,000'' and inserting ''$35,000,000''; and

(B) by striking ''in each of fiscal years 2011 and 2012'' and inserting ''for fiscal year 2013''; and

(2) in subsection (e)—

(A) by striking ''utilize funds'' and inserting ''obligate funds''; and

(B) by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

SEC. 1214. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY FOR PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

Section 1217(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4393), as amended by section 1217(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—Subject to paragraph (2), to carry out the program authorized under subsection (a), the Secretary of Defense may use amounts as follows:

''(A) Up to $400,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2012.

''(B) Up to $350,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2013.'';

(2) in paragraph (2)—

(A) by striking ''85 percent'' and inserting ''50 percent'';

(B) by inserting ''for a fiscal year after fiscal year 2011'' after ''in paragraph (1)''; and

(C) by striking ''fiscal year 2012.'' and inserting ''such fiscal year, including for each project to be initiated during such fiscal year the following:

''(A) An estimate of the financial and other requirements necessary to sustain such project on an annual basis after the completion of such project.

''(B) An assessment whether the Government of Afghanistan is committed to and has the capacity to maintain and use such project after its completion.

''(C) A description of any arrangements for the sustainment of such project following its completion if the Government of Afghanistan lacks the capacity (in either financial or human resources) to maintain such project.''; and

(3) in paragraph (3), by adding at the end the following new subparagraph:

''(C) In the case of funds for fiscal year 2013, until September 30, 2014.''.

SEC. 1215. EXTENSION OF PAKISTAN COUNTER-INSURGENCY FUND.

(a) EXTENSION.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as most recently amended by section 1220(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633), is further amended by striking ''September 30, 2012'' each place it appears and inserting ''September 30, 2013''.

(b) EXTENSION OF LIMITATION ON FUNDS PENDING REPORT.—Section 1220(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1633) is amended by striking ''fiscal year 2013'' and inserting ''fiscal year 2013''.

SEC. 1216. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1630), is further amended—

(1) by striking ''for fiscal year 2012'' and

(2) by inserting '', during the period ending on September 30, 2013,'' after ''Secretary of Defense may''.

(b) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d) of such section, as so amended, is further amended—

(1) by striking ''during fiscal year 2012 may not exceed $1,690,000,000'' and inserting ''may not exceed $1,750,000,000 during fiscal year 2013, except that reimbursements made during fiscal year 2013 for support provided by Pakistan before May 1, 2011, using funds available for that purpose before fiscal year 2013 shall not count against this limitation''; and

(2) by adding at the end the following new paragraph:

''(3) PROHIBITION ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT DURING PERIODS CLOSED TO TRANSSHIPMENT.—Effective as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, funds (including funds from a prior fiscal year that remain available for obligation) may not be used for reimbursements under the authority in subsection (a) for Pakistan for claims of support provided during any period when the ground lines of supply through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan.''.

(c) SUPPORTED OPERATIONS.—Such section is further amended in subsections (a)(1) and (b) by striking ''Operation Iraqi Freedom or''.

(d) LIMITATION ON REIMBURSEMENT OF PAKISTAN IN FISCAL YEAR 2013 PENDING CERTIFICATION ON PAKISTAN.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, no amounts authorized to be appropriated by this Act, and no amounts authorized to be appropriated for fiscal years before fiscal year 2013 that remain available for obligation, may be used for reimbursements of Pakistan under the authority in subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as so amended, until the Secretary of Defense certifies to the congressional defense committees each of the following:

(A) That Pakistan has opened and is maintaining security along the ground lines of supply through Pakistan to Afghanistan for the transshipment of equipment and supplies in support of United States military operations in Afghanistan.

(B) That Pakistan is not providing support to militant extremists groups (including the Haqqani Network and the Afghan Taliban Quetta Shura) located in Pakistan and conducting cross-border attacks against United States, coalition, or Afghanistan security forces, and is taking actions to prevent such groups from basing and operating in Pakistan.

(C) That Pakistan is demonstrating a continuing commitment, and is making significant efforts toward the implementation of a strategy, to counter improvised explosive devices, including efforts to attack improvised explosive device networks, monitor known precursors used in improvised explosive devices, and develop and implement a strict protocol for the manufacture of explosive materials (including calcium ammonium nitrate) and accessories and for their supply to legitimate end users.

(D) That Pakistan is demonstrably cooperating with United States counterterrorism efforts, including by not detaining, prosecuting, or imprisoning citizens of Pakistan as a result of their cooperation with such efforts, including Dr. Shakil Afridi.

(2) WAIVER AUTHORITY.—The Secretary may waive the limitation in paragraph (1) if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the

United States and includes with such certification a justification for the waiver.

SEC. 1217. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 111–181; 122 Stat. 394), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1629)), is further amended by striking ''fiscal year 2012'' each place it appears and inserting ''fiscal year 2013''.

(b) REPEAL OF AUTHORITY FOR USE OF FUNDS IN CONNECTION WITH IRAQ.—

(1) IN GENERAL.—Subsection (a) of such section 1234, as so amended, is further amended by striking ''Iraq and''.

(2) CONFORMING AMENDMENT.—The heading of such section 1234 is amended by striking ''**IRAQ AND**''.

SEC. 1218. STRATEGY FOR SUPPORTING THE ACHIEVEMENT OF A SECURE PRESIDENTIAL ELECTION IN AFGHANISTAN IN 2014.

(a) STRATEGY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of State, develop a strategy to support the Government of Afghanistan in its efforts to achieve a secure presidential election in Afghanistan in 2014.

(b) ELEMENTS.—The strategy shall include support to the Government of Afghanistan for the following:

(1) The identification and training of an adequate number of personnel within the current existing end strength of the Afghanistan National Security Forces (ANSF) for security of polling stations, election materials, and protection of election workers and officials.

(2) The recruitment and training of an adequate number of female personnel in the Afghanistan National Security Forces to afford equitable access to polls for women, secure polling stations, and secure locations for counting and storing election materials.

(3) The securing of freedom of movement and communications for candidates before and during the election.

(c) FUNDING RESOURCES.—In developing the strategy, the Secretary shall identify, from among funds currently available to the Department of Defense for activities in Afghanistan, the funds required to execute the strategy.

SEC. 1219. INDEPENDENT ASSESSMENT OF THE AFGHAN NATIONAL SECURITY FORCES.

(a) INDEPENDENT ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for the conduct of an independent assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces (ANSF) capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(b) CONDUCT OF ASSESSMENT.—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by—

(1) a Federally-funded research and development center (FFRDC); or

(2) an independent, non-governmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) ELEMENTS.—The assessment required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of the likely internal and regional security environment for Afghanistan over the next decade, including challenges and threats to the security and sovereignty of Afghanistan from state and non-state actors.

(2) An assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(3) An assessment of any capability gaps in the Afghan National Security Forces that are likely to persist after 2014 and that will require continued support from the United States and its allies.

(4) An assessment whether current proposals for the resourcing of the Afghan National Security Forces after 2014 are adequate to establish and maintain long-term security for the Afghanistan people, and implications of the under-resourcing of the Afghan National Security Forces for United States national security interests.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by subsection (a) shall provide to the Secretary and the congressional defense committees a report containing its findings as a result of the assessment. The report shall be submitted in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, up to $1,000,000 shall be made available for the assessment required by subsection (a).

(f) AFGHAN NATIONAL SECURITY FORCES.—For purposes of this section, the Afghan National Security Forces shall include all forces under the authority of the Afghan Ministry of Defense and Afghan Ministry of Interior, including the Afghan National Army, the Afghan National Police, the Afghan Border Police, the Afghan National Civil Order Police, and the Afghan Local Police.

SEC. 1220. REPORT ON AFGHANISTAN PEACE AND REINTEGRATION PROGRAM.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report on the Afghanistan Peace and Reintegration Program (APRP).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the goals and objectives of the Afghanistan Peace and Reintegration Program.

(2) A description of the structure of the Program at the national and sub-national levels in Afghanistan, including the number and types of vocational training and other education programs.

(3) A description of the activities of the Program as of the date of the report.

(4) A description and assessment of the procedures for vetting individuals seeking to participate in the Program, including an assessment of the extent to which biometric identification systems are used and the role of provincial peace councils in such procedures.

(5) The amount of funding provided by the United States, and by the international community, to support the Program, and the amount of funds so provided that have been distributed as of the date of the report.

(6) An assessment of the individuals who have been reintegrated into the Program, set forth in terms as follows:

(A) By geographic distribution by province.

(B) By number of each of low-level insurgent fighters, mid-level commanders, and senior commanders.

(C) By number confirmed to have been part of the insurgency.

(D) By number who are currently members of the Afghan Local Police.

(E) By number who are participating in or have completed vocational training or other educational programs as part of the Program.

(7) A description and assessment of the procedures for monitoring the individuals participating in the Program.

(8) A description and assessment of the role of women and minority populations in the implementation of the Program.

(9) An assessment of the effectiveness of the activities of the Program described under paragraph (3) in achieving the goals and objectives of the Program.

(10) Such recommendations as the Secretary of Defense considers appropriate for improving the implementation, oversight, and effectiveness of the Program.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(1) undertake all appropriate activities to accomplish the President's stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(2) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to a level sufficient to meet this goal;

(3) as previously announced by the President, continue to draw down United States troop levels at a steady pace through the end of 2014; and

(4) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to recommend or support any limitation or prohibition on any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack Al Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

SEC. 1222. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, ''What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.''

(4) In November 2011, a traditional loya jirga in Kabul declared that ''strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security'' and also stated, ''Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance.''

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, ''Today we're agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.''

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement ''reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries' citizens, but also for the benefit of peace and security and stability in the region and around the world''.

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, ''Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.''

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan's international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

SEC. 1223. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Authorization for the Use of Military Force (Public Law 107–40; 115 Stat. 224) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

(2) President Barack Obama and Secretary of Defense Leon Panetta have stated that the United States continues to fight in Afghanistan to defeat the al Qaeda threat and the Taliban, which harbored al Qaeda in Afghanistan, where the attacks of September 11, 2001, were planned and where the attackers received training.

(3) On May 1, 2012, the United States entered into the ''Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan'', which establishes an enduring strategic partnership between the United States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and operations of United States Armed Forces in Afghanistan, and establishes long-term commitments between the two countries, including the continued commitment of United States forces and political and financial support to the Government of Afghanistan.

(5) The Agreement also commits the United States to establishing a long-term Bilateral Security Agreement, with the goal of concluding a Bilateral Security Agreement within one year to supersede the present Status of Forces agreements with the Islamic Republic of Afghanistan.

(6) Congress was not consulted regarding the framework or substance of the Agreement.

(7) In the past, Congress has been consulted, and, in some cases, has provided its advice and consent to ratification of such agreements, including those where the use of force was not authorized nor required in the country.

(b) NOTIFICATION REQUIREMENT.—Not later than 30 days before entering into any Bilateral Security Agreement or other agreement with the Islamic Republic of Afghanistan that will affect the Status of Forces agreements and long-term commitments between the United States and the Islamic Republic of Afghanistan, the President shall submit the agreement to the appropriate congressional committees for review. If the President fails to comply with such requirement, 50 percent of the unobligated balance of the amounts appropriated or otherwise made available for the Executive Office of the President shall be withheld.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1224. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN AND CERTAIN OTHER COUNTRIES.

(a) NONEXCESS ARTICLES AND RELATED SERVICES.—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the government of the recipient country, and provide defense services in connection with the transfer of such defense articles, as follows:

(1) To the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed $250,000,000.

(2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) NOTICE ON EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) ELEMENTS.—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capabilities of the military and security forces of the recipient country to conduct counterterrorism and postconflict stability operations in Somalia.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term ''defense articles'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term ''defense services'' has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term ''military and security forces'' means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(5) EAST AFRICA REGION.—The term ''East Africa region'' means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) EXPIRATION.—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) EXEMPTIONS.—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

(3) CONSTRUCTION EQUIPMENT.—Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance Act of 1961 and subject to the provisions of this subsection.

Subtitle C—Reports

SEC. 1231. REVIEW AND REPORTS ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD THE CAPACITY OF AND PARTNER WITH FOREIGN SECURITY FORCES.

(a) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Defense Policy Board shall conduct a review of the efforts of the Department of Defense to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(2) ELEMENTS.—The review required by this subsection shall include the following:

(A) An examination of the ways in which the efforts of the Department to build the capacity of, or partner with, foreign security forces directly support implementation of current national defense and security strategies.

(B) An assessment of the range of effects that efforts of the Department to build the capacity of, or partner with, foreign security forces are designed to achieve in support of current national defense and security strategies.

(C) An assessment of the criteria used for prioritizing such efforts in support of national defense and security strategies.

(D) An identification of the authorities the Department currently uses to implement such efforts, together with an assessment of the adequacy of such authorities.

(E) An assessment of the capabilities required by the Department to implement such efforts.

(F) An assessment of the most effective distribution of the roles and responsibilities for such efforts within the Department, together with an assessment whether the Department military and civilian workforce is appropriately sized and shaped to meet the requirements of such efforts.

(G) An evaluation of current measures of the Department for assessing activities of the Department designed to build the capacity of, or partner with, foreign security

forces, including an assessment whether such measures address the extent to which such activities directly support the priorities of national defense and security strategies.

(H) An identification of recommendations for clarifying or improving the guidance and assessment measures of the Department relating to its efforts to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(3) REPORT.—Not later than 90 days after the completion of the review required by this subsection, the Secretary of Defense shall submit to the congressional defense committees a report containing the result of the review.

(b) STRATEGIC GUIDANCE ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD PARTNER CAPACITY AND OTHER PARTNERSHIP INITIATIVES.—Not later than 120 days after the completion of the review required by subsection (a), the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the following:

(1) An assessment, taking into account the recommendations of the Defense Policy Board in the review required by subsection (a), of the efforts of the Department of Defense to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies.

(2) Strategic guidance for the Department for its efforts to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies, which guidance shall address—

(A) the ways such efforts directly support the goals and objectives of national defense and security strategies;

(B) the criteria to be used for prioritizing activities to implement such efforts in support of national defense and security strategies;

(C) the measures to be used to assess the effects achieved by such efforts and the extent to which such effects support the objectives of national defense and security strategies;

(D) the appropriate roles and responsibilities of the Armed Forces, the Defense Agencies, and other components of the Department in conducting such efforts; and

(E) the relationship of Department workforce planning with the requirements for such efforts.

SEC. 1232. ADDITIONAL ELEMENTS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended—

(1) in subsection (b)—

(A) by amending paragraph (9) to read as follows:

''(9) Developments in China's asymmetric capabilities, including efforts to develop and deploy cyberwarfare and electronic warfare capabilities, and associated activities originating or suspected of originating from China. This discussion of these developments shall include—

''(A) the nature of China's cyber activities directed against the Department of Defense and an assessment of the damage inflicted on the Department of Defense by reason thereof, and the potential harms;

''(B) a description of China's strategy for use and potential targets of offensive cyberwarfare and electronic warfare capabilities;

''(C) details on the number of malicious cyber incidents emanating from Internet Protocol addresses in China, including a comparison of the number of incidents during the reporting period to previous years; and

''(D) details regarding the specific People's Liberation Army; state security; research and academic; state-owned, associated, or other commercial enterprises; and other relevant actors involved in supporting or conducting cyberwarfare and electronic warfare activities and capabilities.'';

(B) by redesignating paragraphs (10), (11), and (12) as paragraphs (15), (16), and (17) respectively;

(C) by inserting after paragraph (9) the following new paragraphs:

''(10) The strategy and capabilities of Chinese space programs, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access to advanced technologies that would enhance Chinese military capabilities.

''(11) Developments in China's nuclear capabilities, which shall include the following:

''(A) The size and state of China's nuclear stockpile.

''(B) A description of China's nuclear strategy and associated doctrines.

''(C) A description of the quantity, range, payload features, and location of China's nuclear missiles and the quantity and operational status of their associated launchers or platforms.

''(D) An analysis of China's efforts to use electromagnetic pulse.

''(E) Projections of possible future Chinese nuclear arsenals, their capabilities, and associated doctrines.

''(F) A description of China's fissile material stockpile and civil and military production capabilities and capacities.

''(G) A discussion of any significant uncertainties or knowledge gaps surrounding China's nuclear weapons program and the potential implications of any such knowledge gaps for the security of the United States and its allies.

''(12) A description of China's anti-access and area denial capabilities.

''(13) A description of China's command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and its applications for China's precision guided weapons.

''(14) A description of China's maritime activities, including—

''(A) China's response to Freedom of Navigation activities conducted by the Department of Defense;

''(B) an account of each time People's Liberation Army Navy vessels have transited outside the First Island Chain, including the type of vessels that were involved; and

''(C) the role of China's maritime law enforcement vessels in maritime incidents, including details regarding any collaboration between China's law enforcement vessels and the People's Liberation Army Navy.''; and

(D) by adding after paragraph (17), as redesignated by subparagraph (B), the following new paragraphs:

''(18) A description of Chinese military-to-military relationships with other countries, including the size and activity of military attache offices around the world and military education programs conducted in China for other countries or in other countries for the Chinese.

''(19) A description of any significant sale or transfer of military hardware, expertise, and technology to or from the People's Republic of China, including a forecast of possible future sales and transfers, and a description of the implications of those sales and transfers for the security of the United States and its friends and allies in Asia. The information under this paragraph shall include—

''(A) the extent of the People's Republic of China's knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to receiving states;

''(B) the extent in each selling state of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People's Republic of China;

''(C) an itemization of significant sales and transfers of military hardware, expertise, or technology that have taken place during the reporting period;

''(D) significant assistance by any selling state to key research and development programs in China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons;

''(E) significant assistance by the People's Republic of China to the research and development programs of purchasing or receiving states, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons;

''(F) the extent to which arms sales to or from the People's Republic of China are a source of funds for military research and development or procurement programs in China or the selling state;

''(G) a discussion of the ability of the People's Liberation Army to assimilate such sales or transfers, mass produce new equipment, and develop doctrine for use; and

''(H) a discussion of the potential threat of developments related to such sales on the security interests of the United States and its friends and allies in Asia.''; and

(2) by amending subsection (d) to read as follows:

''(d) COMBATANT COMMANDER ASSESSMENT.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an assessment of the Commander of the United States Pacific Command on the following matters:

''(1) Any gaps in intelligence that limit the ability of the Commander to address challenges posed by the People's Republic of China.

''(2) Any gaps in the capabilities, capacity, and authorities of the Commander to address challenges posed by the People's Republic of China to the United States Armed Forces and United States interests in the region.

''(3) Any other matters the Commander considers to be relevant.''.

SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

SEC. 1234. REPORTS ON SYRIA.

(a) REPORT ON OPPOSITION GROUPS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of State shall submit to Congress a report describing in detail all the known opposition groups, both independent and state-sponsored, inside and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to establish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.

(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of the impact of support from the United States and challenges to providing such additional support to opposition forces on the factors discussed in subparagraphs (A) through (F).

(b) REPORT ON WEAPONS STOCKPILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of Defense shall submit to Congress an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.

(C) A description of U.S. and international efforts to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) REPORT ON CURRENT ACTIVITIES AND FUTURE PLANS TO PROVIDE ASSISTANCE TO SYRIA'S POLITICAL OPPOSITION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on all the support provided to opposition political forces in Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have received and that will continue to receive such equipment.

(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(E) A description of obstacles and challenges to providing additional support to Syria's political opposition.

(d) FORM.—The reports required by this section may be submitted in a classified form.

SEC. 1235. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) NATURE OF MILITARY ACTIVITIES.—

(1) PRINCIPAL PURPOSE.—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) ADDITIONAL GOALS.—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) NO AUTHORIZATION FOR USE OF MILITARY FORCE.—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

(f) The report required in subsection (a) shall be delivered in classified form.

Subtitle D—Other Matters

SEC. 1241. IMPROVED ADMINISTRATION OF THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES' PROGRAM.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 168a. American, British, Canadian, and Australian Armies' Program: administration; agreements with other participating countries

"(a) AUTHORITY.—As part of the participation by the United States in the land-force program known as the American, British, Canadian, and Australian Armies' Program (in this section referred to as the 'Program'), the Secretary of Defense may, with the concurrence of the Secretary of State, enter into agreements with the other participating countries in accordance with this section, and the Program shall be managed pursuant to a joint agreement among the participating countries.

"(b) PARTICIPATING COUNTRIES.—In addition to the United States, the countries participating in the Program are the following:

"(1) Australia.

"(2) Canada.

"(3) New Zealand.

"(4) The United Kingdom.

"(c) CONTRIBUTIONS BY PARTICIPANTS.—(1) An agreement under subsection (a) shall provide that each participating country shall contribute to the Program—

"(A) its equitable share of the full cost for the Program, including the full cost of overhead and administrative costs related to the Program; and

"(B) any amount allocated to it in accordance with the agreement for the cost for monetary claims asserted against any participating country as a result of participation in the Program.

"(2) Such an agreement shall also provide that each participating country (including the United States) may provide its contribution for its equitable share under the agreement in funds, in personal property, or in services required for the Program (or in any combination thereof).

"(3) Any contribution by the United States to the Program that is provided in funds shall be made from funds available to the Department of Defense for operation and maintenance.

"(4) Any contribution received by the United States from another participating country to meet that country's share of the costs of the Program shall be credited to appropriations available to the Department of Defense, as determined by the Secretary of Defense. The amount of a contribution credited to an appropriation account in connection with the Program shall be available only for payment of the share of the Program expenses allocated to the participating country making the contribution. Amounts so credited shall be available for the following purposes:

"(A) Payments to contractors and other suppliers (including the Department of Defense and participating countries acting as suppliers) for necessary goods and services of the Program.

''(B) Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation in support of the Program.

''(C) Payments for any monetary claim against a participating country as a result of the participation of that country in the Program.

''(D) Payments or reimbursements of other Program expenses, including overhead and administrative costs for any administrative office for the Program.

''(E) Refunds to other participating countries.

''(5) Costs for the operation of any office established to carry out the Program shall be borne jointly by the participating countries as provided for in an agreement referred to in subsection (a).

''(d) AUTHORITY TO CONTRACT FOR PROGRAM ACTIVITIES.—As part of the participation by the United States in the Program, the Secretary of Defense may enter into contracts or incur other obligations on behalf of the other participating countries for activities under the Program. Any payment for such a contract or other obligation under this subsection may be paid only from contributions credited to an appropriation under subsection (c)(4).

''(e) DISPOSAL OF PROPERTY.—As part of the participation by the United States in the Program, the Secretary of Defense may, with respect to any property that is jointly acquired by the countries participating in the Program, agree to the disposal of the property without regard to any law of the United States that is otherwise applicable to the disposal of property owned by the United States. Such disposal may include the transfer of the interest of the United States in the property to one or more of the other participating countries or the sale of the property. Reimbursement for the value of the property disposed of (including the value of the interest of the United States in the property) shall be made in accordance with an agreement under subsection (a).

''(f) SUNSET.—Any agreement entered into by the United States with another country under subsection (a), and United States participation in the joint agreement described in that subsection, shall expire not later than five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by adding at the end the following new item:

''168a. American, British, Canadian, and Australian Armies' Program: administration; agreements with other participating countries.''.

(b) REPORT.—Not later than 60 days before the expiration date for agreements under subsection (a) of section 168a of title 10, United States Code (as added by subsection (a) of this section), pursuant to subsection (f) of such section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities, costs, and accomplishments of the American, British, Canadian, and Australian Armies' Program during the five-year period ending on the date of such report.

SEC. 1242. UNITED STATES PARTICIPATION IN HEADQUARTERS EUROCORPS.

(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps for the purpose of supporting the North Atlantic Treaty Organization (NATO) activities of the NATO Rapid Deployable Corps Eurocorps.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—The participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and Headquarters Eurocorps.

(2) COST-SHARING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support Headquarters Eurocorps, the memoranda of understanding under paragraph (1) shall provide details of any cost-sharing arrangement or other funding arrangement.

(c) LIMITATION ON NUMBER OF MEMBERS PARTICIPATING AS STAFF.—Not more than two members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps, until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A certification by the Secretary of Defense that the participation of more than two members of the Armed Forces in Headquarters Eurocorps is in the national interests of the United States.

(2) A description of the benefits of the participation of the additional members proposed by the Secretary.

(3) A description of the plans for the participation of the additional members proposed by the Secretary, including the grades and posts to be filled.

(4) A description of the costs associated with the participation of the additional members proposed by the Secretary.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—

(1) AVAILABILITY.—Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States' share of the operating expenses of Headquarters Eurocorps.

(B) To pay the costs of the participation of members of the Armed Forces participating as members of the staff of Headquarters Eurocorps, including the costs of expenses of such participants.

(2) LIMITATION.—No funds may be used under this section to fund the pay or salaries of members of the Armed Forces who participate as members of the staff of the Headquarters, North Atlantic Treaty Organization (NATO) Rapid Deployable Corps under this section.

(e) HEADQUARTERS EUROCORPS DEFINED.—In this section, the term ''Headquarters Eurocorps'' refers to the multinational military headquarters, established on October 1, 1993, which is one of the High Readiness Forces (Land) associated with the Allied Rapid Reaction Corps of NATO.

SEC. 1243. DEPARTMENT OF DEFENSE PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF AIR TRANSPORTATION AND AIR REFUELING SERVICES.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the United States in the Air Transport, Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the ''ATARES program'') of the Movement Coordination Centre Europe.

(2) SCOPE OF PARTICIPATION.—Participation in the ATARES program under paragraph (1) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value.

(3) LIMITATIONS.—The United States' balance of executed flight hours, whether as credits or debits, in participation in the ATARES program under paragraph (1) may not exceed 500 hours. The United States' balanced of executed flight hours for air refueling in the ATARES program under paragraph (1) may not exceed 200 hours.

(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

(1) ARRANGEMENT OR AGREEMENT REQUIRED.—The participation of the United States in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

(2) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

(3) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every five years, through the ATARES program.

(c) IMPLEMENTATION.—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium from funds available to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, from among members and personnel within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill the United States' obligations under that arrangement or agreement.

(d) CREDITING OF RECEIPTS.—Any amount received by the United States in carrying out a written arrangement or agreement entered into under subsection (b) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently available for the purposes for which such obligation was made.

(e) ANNUAL SECRETARY OF DEFENSE REPORTS.—Not later than 30 days after the end of each fiscal year in which the authority provided by this section is in effect, the Secretary of Defense shall submit to Congress a report on United States participation in the ATARES program during such fiscal year. Each report shall include the following:

(1) The United States balance of executed flight hours at the end of the fiscal year covered by such report.

(2) The types of services exchanged or transferred during the fiscal year covered by such report.

(3) A description of any United States costs under the written arrangement or agreement under subsection (b)(1) in connection with the use of Department of Defense facilities, equipment, or funds to support the ATARES program under that subsection as provided by subsection (b)(2).

(4) A description of the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe

and the ATARES consortium paid under subsection (c)(1).

(5) A description of any amounts received by the United States in carrying out a written arrangement or agreement entered into under subsection (b).

(f) COMPTROLLER GENERAL OF UNITED STATES REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the ATARES program. The report shall set forth the assessment of the Comptroller General of the program, including the types of services available under the program, whether the program is achieving its intended purposes, and, on the basis of actual cost data from the performance of the program, the cost-effectiveness of the program.

(g) EXPIRATION.—The authority provided by this section to participate in the ATARES program shall expire five years after the date on which the Secretary of Defense first enters into a written arrangement or agreement under subsection (b). The Secretary shall publish notice of such date on a public website of the Department of Defense.

SEC. 1244. AUTHORITY TO ESTABLISH PROGRAM TO PROVIDE ASSISTANCE TO FOREIGN CIVILIANS FOR HARM INCIDENT TO COMBAT OPERATIONS OF THE ARMED FORCES IN FOREIGN COUNTRIES.

(a) AUTHORITY TO ESTABLISH PROGRAM.—The Secretary of Defense may establish a program, under such regulations as the Secretary may prescribe, to enable military commanders at their discretion to provide assistance to foreign civilians for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) ELEMENTS.—

(1) NATURE OF ASSISTANCE.—Any assistance provided under a program under subsection (a) may be provided only ex gratia, and shall not be considered an admission or acknowledgment of any legal obligation to compensate for any damage, personal injury, or death.

(2) TREATMENT WITH OTHER COMPENSATION.—In the event compensation for damage, personal injury, or death covered by this section is received through a separate program operated by the United States Government, receipt of compensation in such amount should be considered by the commander or legal advisor determining appropriate assistance under a program under subsection (a).

(3) AMOUNT OF ASSISTANCE.—If the Secretary of Defense determines a program under subsection (a) to be fitting in a particular setting, the amount of assistance, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment of cultural appropriateness and prevailing economic conditions.

(c) RECORDS.—

(1) IN GENERAL.—The regulations prescribed by the Secretary of Defense for purposes of any program under subsection (a) shall include requirements as follows:

(A) That local military commanders maintain a written record of any assistance offered or denied under such program.

(B) That local military commanders submit on a timely basis a report summarizing such written records to the appropriate office in the Department of Defense as specified by the Secretary in such regulations.

SEC. 1245. SUSTAINABILITY REQUIREMENTS FOR CERTAIN CAPITAL PROJECTS IN CONNECTION WITH OVERSEAS CONTINGENCY OPERATIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Commencing 60 days after the date of the enactment of this Act—

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) ELEMENTS.—Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned

(b) COVERED CAPITAL PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of $10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of $5,000,000; or

(C) in the case of any other project, has an estimated value in excess of $2,000,000.

(2) EXCLUSION.—A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10, United States Code) or a military family housing project under section 2821 of such title.

(c) WAIVER.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 45 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to Congress the assessment described in subsection (a) with respect to the capital project concerned.

(d) SEMI-ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal-year half-year the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each submit to the appropriate committees of Congress a report setting forth each assessment conducted under subsection (a) by such Secretary or the Administrator, as the case may be, during such fiscal-year half-year, including the elements of each capital project assessed specified in subsection (a)(2).

(2) ADDITIONAL ELEMENTS.—In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the following:

(i) The current and anticipated effects of violence in the country or region on all the projects in the country or region covered by such report.

(ii) The current and anticipated levels of corruption or fraud in the country or region in the connection with all the projects in the country or region covered by such report, and the current and anticipated risks of corruption or fraud in connection with such projects.

(3) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term ''capital project'' has the meaning given that term in section 308 of the

Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e).

(3) The term ''overseas contingency operation'' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM POWER AND END ATROCITIES COMMITTED BY THE LORD'S RESISTANCE ARMY.

Consistent with the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), it is the sense of the Senate that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army should continue;

(2) using amounts authorized to be appropriated by section 301 and specified in the funding table in section 4301 for Operation and Maintenance, Defense-wide for ''Additional ISR Support to Operation Observant Compass'', the Secretary of Defense should provide increased intelligence, surveillance, and reconnaissance assets to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord's Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination; and

(4) the regional governments should recommit themselves to the operations sanctioned by the African Union Peace and Security Council resolution.

SEC. 1247. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.

(a) BLOCKING OF ASSETS.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) PERSONS DESCRIBED.—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) WAIVER.—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) TERMINATION OF SANCTIONS.—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) TERMINATION OF SECTION.—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) M23.—The term ''M23'' refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

SEC. 1248. PROGRAM ON REPAIR, OVERHAUL, AND REFURBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) FUND FOR SUPPORT OF PROGRAM AUTHORIZED.—The Secretary of Defense may establish and administer a fund to be known as the ''Special Defense Repair Fund'' (in this section referred to as the ''Fund'') to support the program authorized by subsection (a).

(c) CREDITS TO FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Subject to applicable provisions of appropriations Acts, such amounts, not to exceed $48,400,000 per fiscal year, from amounts authorized to be appropriated for the Department of Defense for operation and maintenance for the Army as the Secretary of Defense considers appropriate.

(B) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.—

(A) CREDITS IN CONNECTION WITH ARTICLES NOT TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) CREDITS IN CONNECTION WITH ARTICLES TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) LIMITATION ON SIZE OF FUND.—The total amount in the Fund at any time may not exceed $50,000,000.

(4) TREATMENT OF AMOUNTS CREDITED.—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(d) NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED COSTS.—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

(1) IN GENERAL.—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) SECRETARY OF STATE CONCURRENCE REQUIRED FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) TRANSFERS OF AMOUNTS.—

(1) TRANSFER TO OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense account used to carry out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) TRANSFER FROM OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) CERTAIN EXCESS PROCEEDS TO BE CREDITED TO SPECIAL DEFENSE ACQUISITION FUND.—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) REPORTS.—

(1) ANNUAL REPORT.—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (j), the Secretary of Defense shall submit to the congressional defense committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) ASSESSMENT REPORT.—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a).

(i) DEFENSE ARTICLE DEFINED.—In this section, the term ''defense article'' has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(j) EXPIRATION OF AUTHORITY.—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

(k) FUNDING FOR FISCAL YEAR 2013.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 1504 for Overseas Contingency Operations and available for operation and maintenance for the Army as specified in funding table in section 4302, $48,400,000 shall be available for deposit in the Fund pursuant to subsection (c)(1)(A), with the amount of the deposit to be attributable to amounts otherwise so available for the YMQ–18A unmanned aerial vehicle, which has been cancelled.

SEC. 1249. PLAN FOR PROMOTING THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense's April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) ''U.S. and coalition forces will continue to degrade the Taliban-led insurgency in order to provide time and space to increase the capacity of the Afghan National Security Forces and the Afghan Government so they can assume full responsibility for Afghanistan's security by the end of 2014.''

(B) ''Transition to Afghan security lead began in July 2011 and transition to full Afghan security responsibility will be complete country-wide by the end of 2014.''

(C) ''The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of transition implementation.''

(D) For each area designated for transition, a transition implementation plan is developed by the Government of Afghanistan, NATO, and ISAF and approved by the Joint Afghan-NATO Inteqal Board (JANIB). JANIB is also responsible for recommending areas to enter and exit the transition process.

(2) According to a 2002 study on Women, Peace and Security submitted by the Secretary-General of the United Nations pursuant to Security Council resolution 1325 (2000), ''the suspension of or restriction on women's enjoyment of their human rights'' can act as an early-warning indicator of impending or renewed conflict. In Afghanistan, restrictions on women's mobility and rights can signal the presence of extremist or insurgent elements in a community.

(3) The security of Afghan women and girls in areas undergoing security transitions will be an important gauge of the transition strategy's success. Indicators by which to measure women's security include the mobility of women and girls, the participation of women in local government bodies, the rate of school attendance for girls, women's access to government services, and the prevalence of violence against women.

(4) Maintaining and improving physical security for Afghan women and girls throughout the country is critical in order for women and girls to take advantage of opportunities in education, commerce, politics, and other areas of public life, which in turn is essential for the future stability and prosperity of Afghanistan.

(5) Women who serve as public officials at all levels of the Government of Afghanistan face serious threats to their personal security and that of their families. Many female officials have been the victims of violent crimes, but they are generally not afforded official protection by the Government of Afghanistan or security forces.

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through education about the important benefits of women's full participation in social, economic, and political life. Male officials and security personnel can play a particularly important role in supporting and protecting women and girls.

(7) The Chicago Summit Declaration issued by NATO in May 2012 states: ''As the Afghan National Police further develop and professionalize, they will evolve towards a sustainable, credible, and accountable civilian law enforcement force that will shoulder the main responsibility for domestic security. This force should be capable of providing policing services to the Afghan population as part of the broader Afghan rule of law system.''

(8) Women face significant barriers to full participation in the ANA and ANP, including a discriminatory or hostile work environment and the lack of separate facilities designed for female personnel.

(9) As of September 2012, female recruitment and retention rates for the Afghan National Security Forces are far below published targets, as follows:

(A) Approximately 1,700 women serve in the Afghan National Security Forces, or less than half of one percent of the total force.

(B) In 2010, President Hamid Karzai announced plans to recruit and train 5,000 women in the Afghan National Police, or approximately 3 percent of the force, by 2014. Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

(C) Approximately 350 women currently serve in the Afghan National Army, representing only 0.17 percent of the force. The Government of Afghanistan has said that its goal is to achieve a force that is 10 percent female. As of May 2012, approximately 3 percent of new ANA recruits were women.

(10) Male security personnel often do not respond to threats or incidences of violence against women, particularly at the local level. They largely lack the training and understanding needed to respond appropriately and effectively to situations involving women. According to the Department of Defense's April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) The Afghan Ministry of Defense ''lacks the combination of policies, procedures, and execution to promote opportunity and fair and respectful treatment of women in the force''.

(B) The Afghan Ministry of Interior ''faces significant challenges in fully integrating and protecting women in the ANP workforce, especially among operational units at the provincial and district levels''.

(C) In the Afghan National Police, ''Many Provincial Headquarters Commanders do not accept policewomen, as they prefer male candidates and lack adequate facilities to support females.''

(D) ''While women are greatly needed to support police operations, a combination of cultural impediments, weak recruitment, and uneven application of policies hinder significant progress.''

(E) ''Although stronger documentation, implementation, and enforcement of policies, procedures, and guidance to better integrate women will help, time will be needed to change the cultural mores that form the basis of many of the current impediments.''

(11) The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:

(A) According to the United States National Action Plan on Women, Peace and Security, ''integrating women and gender considerations into peace-building processes helps promote democratic governance and long-term stability,'' which are key United States strategic goals in Afghanistan.

(B) The National Action Plan also states that ''the engagement and protection of women as agents of peace and stability will be central to United States efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies.'' This policy applies to United States Government efforts in Afghanistan, where addressing the security vulnerabilities of Afghan women and girls during the period of security transition is an essential step toward long-term stability.

(C) The Chicago Summit Declaration issued by NATO in May 2012 states: ''We emphasize the importance of full participation of all Afghan women in the reconstruction, political, peace and reconciliation processes in Afghanistan and the need to respect the institutional arrangements protecting their rights. We remain committed to the implementation of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. We recognize also the need for the protection of children from the damaging effects of armed conflict as required in relevant UNSCRs.''

(12) The Strategic Partnership Agreement signed between the United States and Afghanistan by President Obama and President Karzai in June 2012 states, ''Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so that they may fully enjoy their economic, social, political, civil and cultural rights.''

(b) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a plan to promote the security of Afghan women during the security transition process.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following elements:

(A) A plan to monitor and respond to changes in women's security conditions in areas undergoing transition, including the following actions:

(i) Seeking to designate a Civilian Impact Advisor on the Joint Afghan-NATO Inteqal

Board (JANIB) to assess the impact of transition on male and female civilians and ensure that efforts to protect women's rights and security are included in each area's transition implementation plan.

(ii) Reviewing existing indicators against which sex-disaggregated data is collected and, if necessary, developing additional indicators, to ensure the availability of data that can be used to measure women's security, such as—

(I) the mobility of women and girls;

(II) the participation of women in local government bodies;

(III) the rate of school attendance for girls;

(IV) women's access to government services; and

(V) the prevalence of violence against women; and incorporating those indicators into ongoing efforts to assess overall security conditions during the transition period.

(iii) Integrating assessments of women's security into current procedures used to determine an area's readiness to proceed through the transition process.

(iv) Working with Afghan partners, coalition partners, and relevant United States Government departments and agencies to take concrete action to support women's rights and security in cases of deterioration in women's security conditions during the transition period.

(B) A plan to increase gender awareness and responsiveness among Afghan National Army and Afghan National Police personnel, including the following actions:

(i) Working with Afghan and coalition partners to utilize training curricula and programming that addresses the human rights of women and girls, appropriate responses to threats against women and girls, and appropriate behavior toward female colleagues and members of the community; assessing the quality and consistency of this training across regional commands; and assessing the impact of this training on trainee behavior.

(ii) Working with national and local ANA and ANP leaders to develop and utilize enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) Working with Afghan and coalition partners to implement the above tools and develop uniform methods and standards for training and enforcement among coalition partners and across regions.

(C) A plan to increase the number of female members of the ANA and ANP, including the following actions:

(i) Providing, through consultation with Afghan partners, realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) Working with national and local ANA and ANP leaders and coalition partners to address physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel, including through targeted recruitment campaigns, expanded training and mentorship opportunities, parity in pay and promotion rates with male counterparts, and availability of facilities for female personnel.

(iii) Working with national and local ANA and ANP leaders to increase understanding about the unique ways in which women members of the security forces improve the force's overall effectiveness.

(iv) Working with national and local ANA and ANP leaders to develop a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(3) REPORT.—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385, 390) a section describing actions taken to implement the plan required under this subsection.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1250. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.

(a) FINDINGS.—Congress makes the following findings:

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.

(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar-5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.

(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

SEC. 1251. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) The unilateral action of a third party will not affect the United States' acknowledgment of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that ''[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes''.

SEC. 1252. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department's approach for normalizing defense trade.

(B) An assessment of the defense capabilities that could enhance cooperation and coordination between the Governments of the United States and India on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counter-IED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense, in coordination with the Department State, should—

(1) conduct a review of all United States–India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

Subtitle E—Iran Sanctions

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the ''Iran Freedom and Counter-Proliferation Act of 2012''.

SEC. 1262. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) COAL.—The term ''coal'' means metallurgical coal, coking coal, or fuel coke.

(4) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''correspondent account'' and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) IRANIAN FINANCIAL INSTITUTION.—The term ''Iranian financial institution'' has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(7) IRANIAN PERSON.—The term ''Iranian person'' means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(8) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(10) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) SHIPPING.—The term ''shipping'' refers to the transportation of goods by a vessel and related activities.

(12) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(13) VESSEL.—The term ''vessel'' has the meaning given that term in section 3 of title 1, United States Code.

(b) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SEC. 1263. DECLARATION OF POLICY ON HUMAN RIGHTS.

(a) FINDING.—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) to fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) to help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) to defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

SEC. 1264. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Iran's energy, shipping, and shipbuilding sectors and Iran's ports are facilitating the Government of Iran's nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the ''IAEA'') has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran's nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the ''potential connection between Iran's revenues derived from its energy sector and the funding of Iran's proliferation sensitive nuclear activities''.

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

(1) IN GENERAL.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.—

(1) SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran significant goods or services described in paragraph (3).

(2) FACILITATION OF CERTAIN TRANSACTIONS.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) GOODS AND SERVICES DESCRIBED.—Goods or services described in this paragraph are goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(4) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under paragraph (1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(A) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(B) Sections 8, 11, and 12.

(e) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) EXPORTATION.—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) FINANCIAL TRANSACTIONS.—

(i) IN GENERAL.—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(II) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(III) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(g) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—

(1) SALE, SUPPLY, OR TRANSFER.—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) FINANCIAL TRANSACTIONS.—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1265. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.

(a) SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(1) a precious metal;

(2) a material described in subsection (c) determined pursuant to subsection (d)(1) to be used by Iran as described in that subsection;

(3) any other material described in subsection (c) if—

(A) the material is—

(i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(ii) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; or

(iii) relevant to the nuclear, military, or ballistic missile programs of Iran; or

(B) the material is resold, retransferred, or otherwise supplied—

(i) to an end-user in a sector described in clause (i) of subparagraph (A);

(ii) to a person described in clause (ii) of that subparagraph; or

(iii) for a program described in clause (iii) of that subparagraph.

(b) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(c) MATERIALS DESCRIBED.—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(d) DETERMINATION WITH RESPECT TO USE OF MATERIALS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (c) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (c) are relevant to the nuclear, military, or ballistic missile programs of Iran.

(e) EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under subsection (a) or (b) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) NATIONAL BALANCE SHEET OF IRAN DEFINED.—For purposes of this section, the

term ''national balance sheet of Iran'' refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

SEC. 1266. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED.

(a) IN GENERAL.—Except as provided in subsection (b), the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(1) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(2) to or for any person—

(A) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this subtitle;

(B) for the sale, supply, or transfer to or from Iran of materials described in section 1255(c); or

(C) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) Iran's support for international terrorism; or

(3) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under paragraph (1) or (3) or subparagraph (A) or (B) of paragraph (2) of subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in paragraph (1) of that subsection or to or for any person described in paragraph (3) or subparagraph (A) or (B) of paragraph (2) of that subsection.

(e) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(1) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(2) Sections 8, 11, and 12.

SEC. 1267. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.

(a) IN GENERAL.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 90 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) IN GENERAL.—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution for if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(ii) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(iii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1268. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of ''show trials'' in August 2009 and December 2011 that constituted a clear violation of

international law with respect to the right to a fair trial and due process.

(b) INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.—The President shall include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, in the first update to the list of persons complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members submitted under section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) after the date of the enactment of this Act.

SEC. 1269. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.

(a) IN GENERAL.—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

"SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.

''(a) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

''(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.—

''(1) IN GENERAL.—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after such date of enactment, engaged in corruption or other activities relating to—

''(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or

''(B) the misappropriation of proceeds from the sale or resale of such goods.

''(2) FORM OF REPORT; PUBLIC AVAILABILITY.—

''(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

''(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.''.

(b) WAIVER.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking ''or 105B(a)'' and inserting ''105B(a), or 105C(a)''; and

(2) by striking ''or 105B(b)'' and inserting ''105B(b), or 105C(b)''.

(c) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

''Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.''.

SEC. 1270. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

''(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases; and''.

SEC. 1271. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) IN GENERAL.—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''4 years'' and inserting ''10 years''; and

(2) in subsection (b), by striking ''4-year period'' and inserting ''10-year period''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) proceedings under section 2333 of title 18, United States Code, pending in any form on the date of the enactment of this Act;

(2) proceedings under such section commenced on or after the date of the enactment of this Act; and

(3) any civil action brought for recovery of damages under such section resulting from acts of international terrorism that occurred more than 10 years before the date of the enactment of this Act, provided that the action is filed not later than 6 years after the date of the enactment of this Act.

SEC. 1272. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) PERIOD SPECIFIED.—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1273. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S. C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

SEC. 1274. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

SEC. 1275. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2632 note).

(b) FISCAL YEAR 2013 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2013 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2013, 2014, and 2015.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $519,100,000 authorized to be appropriated to the Department of Defense for fiscal year 2013 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $68,300,000.

(2) For chemical weapons destruction, $14,600,000.

(3) For global nuclear security, $99,800,000.

(4) For cooperative biological engagement, $276,400,000.

(5) For proliferation prevention, $32,400,000.

(6) For threat reduction engagement, $2,400,000.

(7) For other assessments/administrative support, $25,200,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2013 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2013 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2013 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of

the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4501.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction 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

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

Subtitle B—National Defense Stockpile

SEC. 1411. RELEASE OF MATERIALS NEEDED FOR NATIONAL DEFENSE PURPOSES FROM THE STRATEGIC AND CRITICAL MATERIALS STOCKPILE.

(a) AUTHORITY FOR PRESIDENT TO DELEGATE SPECIAL DISPOSAL AUTHORITY OF PRESIDENT FOR RELEASE FOR NATIONAL DEFENSE PURPOSES.—Section 7(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) on the order of the Under Secretary of Defense for Acquisition, Technology, and Logistics, if the President has designated the Under Secretary to have authority to issue release orders under this subsection and, in the case of any such order, if the Under Secretary determines that the release of such materials is required for use, manufacture, or production for purposes of national defense.''.

(b) EXCLUSION FROM DELEGATION LIMITATION.—Section 16 of such Act (50 U.S.C. 98h–7) is amended by striking ''sections 7 and 13'' each place it appears and inserting ''sections 7(a)(1) and 13''.

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. SUPPLEMENTAL CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECHNOLOGIES AT PUEBLO CHEMICAL DEPOT, COLORADO, AND BLUE GRASS ARMY DEPOT, KENTUCKY.

(a) SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.—Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following new subsection (o):

''(o) SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.—In determining the technologies to supplement the neutralization destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, the Secretary of Defense may consider the following:

''(1) Explosive Destruction Technologies.

''(2) Any technologies developed for treatment and disposal of agent or energetic hydrolysates, if problems with the current on-site treatment of hydrolysates are encountered.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 151 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–30) is repealed.

Subtitle D—Other Matters

SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of $67,590,000 for the operation of the Armed Forces Retirement Home.

SEC. 1432. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) IN GENERAL.—Section 1403 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections (b) and (c):

''(b) ESTABLISHMENT OF FURTHER ADDITIONAL TEAMS.—The Secretary of Defense is authorized to have established two additional teams designated as Weapons of Mass Destruction Civil Support teams, beyond the 55 teams required in subsection (a), if—

''(1) the Secretary of Defense has made the certification provided for in section 12310(c)(5) of title 10, United States Code, with respect to each of such additional teams before December 31, 2011; and

''(2) the establishment of such additional teams does not require an increase in authorized personnel levels above the numbers authorized as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

''(c) LIMITATION OF ESTABLISHMENT OF FURTHER TEAMS.—No Weapons of Mass Destruction Civil Support Team may be established beyond the number authorized by subsections (a) and (b) unless—

''(1) the Secretary submits to Congress a request for authority to establish such team, including a detailed justification for their establishment; and

''(2) the establishment of such team is specifically authorized by a law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Weapons of Mass Destruction Civil Support Teams. The report shall include the following:

(1) A detailed description of risk management criteria and considerations to be used in determining the optimal number and location of Weapons of Mass Destruction Civil Support Teams.

(2) A description of the operational and training activities conducted by the Weapons of Mass Destruction Civil Support Teams during each of fiscal years 2010, 2011, and 2012.

(3) An assessment of the optimal number and location of Weapons of Mass Destruction Civil Support Teams in light of the information under paragraphs (1) and (2).

(4) A comparative analysis of the cost of establishing Weapons of Mass Destruction Civil Support Teams in the reserve components of the Armed Forces (other than the National Guard) with the cost of establishing Weapons of Mass Destruction Civil Support Teams in the National Guard.

(5) A description of the portion of the costs of Weapons of Mass Destruction Civil Support Teams that is currently borne by the States.

SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

TITLE XV—AUTHORIZATION OF APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2013 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations and Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF EXISTING LIMITATIONS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2013 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) AVAILABILITY FOR SUPPORT OF TRAINING OF AFGHAN PUBLIC PROTECTION FORCE.—Assistance provided during fiscal year 2013 utilizing funds in the Afghanistan Security Forces Fund may be used to increase the capacity of the Government of Afghanistan to recruit, vet, train, and manage the Afghan Public Protection Force within the Afghanistan Ministry of Interior, including activities in connection with the following:

(1) Expanding the capacity of the Force to train and qualify recruits for static security, convoy security, and personal detail security.

(2) Improving the infrastructure of the Afghan Public Protection Force Training Center or other facilities for training Force personnel.

(3) Increasing the capacity of the Afghanistan Ministry of Interior to manage the Force.

(4) Improving procedures for recruiting and vetting Force personnel.

(5) Establishing or implementing requirements for qualifications, training, and accountability consistent with the purposes of section 862 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note), to the extent feasible.

(c) PLAN FOR USE OF AFGHANISTAN SECURITY FORCES FUND THROUGH 2017.—No later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for using funds available to the Department of Defense to provide assistance to the security forces of Afghanistan through the Afghanistan Security Forces Fund through September 30, 2017.

SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013.

(b) AVAILABILITY OF CERTAIN FISCAL YEAR 2013 FUNDS.—

(1) IN GENERAL.—Of the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013, $15,000,000 may be available to the Secretary of Defense to provide training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan that the Secretary has identified as critical for countering the flow of improvised explosive device precursor chemicals from Pakistan to locations in Afghanistan.

(2) PROVISION THROUGH OTHER US AGENCIES.—If jointly agreed upon by the Secretary of Defense and the head of another department or agency of the United States Government, the Secretary of Defense may transfer funds available under paragraph (1) to such department or agency for the provision of training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan as described in that paragraph by such department or agency.

(3) NOTICE TO CONGRESS.—Funds may not be used under the authority in paragraph (1) until 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a notice on the training, equipment, supplies, and services to be provided using such funds.

(c) EXPIRATION.—This section shall cease to be effective on December 31, 2013.

SEC. 1533. PLAN FOR TRANSITION IN FUNDING OF UNITED STATES SPECIAL OPERATIONS COMMAND FROM SUPPLEMENTAL FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS TO RECURRING FUNDING UNDER THE FUTURE-YEARS DEFENSE PROGRAM.

The Secretary of Defense shall submit to the congressional defense committees, at the same time as the budget of the President for fiscal year 2014 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, a plan for the transition of funding of the United States Special Operations Command from funds authorized to be appropriated for overseas contingency operations (commonly referred to as the ''overseas contingency operations budget'') to funds authorized to be appropriated for recurring operations of the Department of Defense in accordance with applicable future-years defense programs under section 221 of title 10, United States Code (commonly referred to as the ''base budget'').

SEC. 1534. EXTENSION OF AUTHORITY ON TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

Section 1535(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426), as amended by section 1534 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1658), is further amended—

(1) in the second sentence of paragraph (4)—

(A) by striking ''The amount of funds used'' and inserting ''The amount of fund obligated'';

(B) by inserting ''and $93,000,000 for fiscal year 2013'' after ''fiscal year 2012''; and

(C) by inserting ''for fiscal year 2012'' after ''except that'';

(2) in paragraph (6), by striking ''October 31, 2011, and October 31, 2012'' and inserting ''October 31 of each of 2011, 2012, and 2013''; and

(3) in paragraph (7)—

(A) by striking ''provided in'' and inserting ''to obligate funds for projects under''; and

(B) by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

SEC. 1535. ASSESSMENTS OF TRAINING ACTIVITIES AND INTELLIGENCE ACTIVITIES OF THE JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION.

(a) TRAINING ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of Joint Chiefs of Staff and the other chiefs of staff of the Armed Forces, submit to the congressional defense committees a report setting forth an assessment of the training-related activities of the Joint Improvised Explosive Device Defeat Organization (JIEDDO).

(2) ELEMENTS.—The assessment required by paragraph (1) shall—

(A) include all training programs and functions executed by the Joint Improvised Explosive Device Defeat Organization in support of the United States Armed Forces or coalition partners;

(B) identify any program or function which is duplicated elsewhere within the Department of Defense; and

(C) assess the value of maintaining such duplication.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) LIMITATION.—No training-related program may be initiated by the Joint Improvised Explosive Device Defeat Organization between the date of the enactment of this Act and the date of the submittal of the report required by paragraph (1).

(b) INTELLIGENCE ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence, submit to the congressional defense committees a report setting forth an assessment of the activities of the Counter-Improvised-Explosive-Device Operations Integration Center of the Joint Improvised Explosive Device Defeat Organization.

(2) ELEMENTS.—The assessment required by paragraph (1) shall—

(A) include all intelligence analysis programs and functions executed by the Counter-Improvised-Explosive-Device Operations Integration Center in support of the United States Government or coalition partners;

(B) identify any program or function which is duplicated elsewhere within the Department of Defense, including the intelligence components of the Department, or the intelligence community of the United States; and

(C) assess the value of maintaining such duplication.

(3) FORM.—The report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.

(a) SUBMITTAL REQUIRED.—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(b) ELEMENTS.—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

SEC. 1537. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (''insider attacks'') in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (a), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(c) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (b) shall include an executive summary of the contents of the report in unclassified form.

TITLE XVI—MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Military Compensation and Retirement Modernization Commission Act of 2012''.

SEC. 1602. PURPOSE.

The purpose of this title is to establish a Commission to review and make recommendations to modernize the military compensation and retirement systems in order to—

(1) ensure the long-term viability of the All-Volunteer Force;

(2) enable the quality of life for members of the Armed Forces and the other uniformed services and their families in a manner that fosters successful recruitment, retention, and careers for members of the Armed Forces and the other uniformed services; and

(3) modernize and achieve fiscal sustainability for the compensation and retirements systems for the Armed Forces and the other uniformed services for the 21st century.

SEC. 1603. DEFINITIONS.

In this title:

(1) The term ''military compensation and retirement systems'' means the military compensation system and the military retirement system.

(2) The term ''military compensation system'' means provisions of law providing eligibility for and the computation of military compensation, including regular military compensation, special and incentive pays and allowances, medical and dental care, educational assistance and related benefits, and commissary and exchange benefits and related benefits and activities.

(3) The term ''military retirement system'' means retirement benefits, including retired pay based upon service in the uniformed services and survivor annuities based upon such service.

(4) The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101(a)(4) of title 10, United States Code.

(5) The term ''uniformed services'' has the meaning given that term in section 101(a)(5) of title 10, United States Code.

(6) The term ''Secretary'' means the Secretary of Defense.

(7) The term ''Commission'' means the commission established under section 1604.

(8) The term ''Commission establishment date'' means the first day of the first month beginning on or after the date of the enactment of this Act.

(9) The terms ''veterans service organization'' and ''military-related advocacy group or association'' mean an organization the primary purpose of which is to advocate for veterans, military personnel, military retirees, or military families.

SEC. 1604. MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION.

(a) ESTABLISHMENT.—There is established in the executive branch an independent commission to be known as the Military Compensation and Retirement Modernization Commission. The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) APPOINTMENT.—

(1) IN GENERAL.—

(A) MEMBERS.—The Commission shall be composed of nine members appointed by the President, in consultation with—

(i) the Chairman and Ranking Member of the Committee on Armed Services of the Senate; and

(ii) the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives.

(B) DEADLINE FOR APPOINTMENT.—The President shall make appointments to the Commission not later than six months after the Commission establishment date.

(C) TERMINATION FOR LACK OF APPOINTMENT.—If the President does not make all appointments to the Commission on or before the date specified in subparagraph (B), the Commission shall be terminated.

(2) QUALIFICATIONS OF INDIVIDUALS APPOINTED.—In appointing individuals to the Commission, the President shall—

(A) ensure that—

(i) there are members with significant expertise in Federal compensation and retirement systems, including the military compensation and retirement systems, private sector compensation, retirement, or human resource systems, and actuarial science;

(ii) at least five members have active-duty military experience, including—

(I) at least one of whom has active-duty experience as an enlisted member; and

(II) at least one of whom has experience as a member of a reserve component; and

(iii) at least one member was the spouse of a member of the Armed Forces, or, in the sole determination of the President, has significant experience in military family matters; and

(B) select individuals who are knowledgeable and experienced with the uniformed services and military compensation and retirement issues.

(3) LIMITATION.—The President may not appoint to the Commission an individual who within the preceding year has been employed by a veterans service organization or military-related advocacy group or association.

(4) CHAIR.—At the time the President appoints the members of the Commission, the President shall designate one of the members to be Chair of the Commission. The individual designated as Chair of the Commission shall be a person who has expertise in the military compensation and retirement systems. The Chair, or the designee of the Chair, shall preside over meetings of the Commission and be responsible for establishing the agenda of Commission meetings and hearings.

(c) TERMS.—Members shall be appointed for the life of the Commission (subject to subsection (b)(3)). A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(d) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed Federal employees.

SEC. 1605. COMMISSION HEARINGS AND MEETINGS.

(a) IN GENERAL.—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed.

(b) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) PUBLIC MEETINGS.—Each meeting of the Commission shall be held in public unless any member objects.

(c) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) PUBLIC COMMENTS.—

(1) IN GENERAL.—The Commission shall seek written comments from the general public and interested parties on measures to modernize the military compensation and retirement systems. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) PERIOD FOR SUBMITTAL.—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which the Secretary transmits the recommendations of the Secretary to the Commission under section 1606(b).

(3) USE BY COMMISSION.—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

SEC. 1606. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) PRINCIPLES.—

(1) CONTEXT OF COMMISSION REVIEW.—The Commission shall conduct a review of the military compensation and retirement systems in the context of all elements of the current military compensation and retirement systems, force management objectives, and changes in life expectancy and the labor force.

(2) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.—

(A) CONSISTENCY WITH PRESIDENTIAL PRINCIPLES.—The Commission shall develop recommendations for modernizing the military compensation and retirement systems that are consistent with principles established by the President under paragraph (3).

(B) GRANDFATHERING.—The recommendations of the Commission may not apply to any person who first becomes a member of a uniformed service before the date of the enactment of a military compensation and retirement modernization Act pursuant to this title (except that such recommendations may include provisions allowing for such a member to make a voluntary election to be covered by some or all of the provisions of such recommendations).

(3) PRESIDENTIAL PRINCIPLES.—Not later than five months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for modernizing the military compensation and retirement systems. The principles established by the President shall address the following:

(A) Maintaining recruitment and retention of the best military personnel.

(B) Modernizing the active and reserve military compensation and retirement systems.

(C) Differentiating between active and reserve military service.

(D) Differentiating between service in the Armed Forces and service in the other uniformed services.

(E) Assisting with force management.

(F) Ensuring the fiscal sustainability of the military compensation and retirement systems.

(b) SECRETARY OF DEFENSE RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than nine months after the Commission establishment date, the Secretary shall transmit to the Commission the recommendations of the Secretary for military compensation and retirement modernization. The Secretary shall concurrently transmit the recommendations to Congress.

(2) DEVELOPMENT OF RECOMMENDATIONS.—The Secretary shall develop the recommendations of the Secretary under paragraph (1)—

(A) on the basis of the principles established by the President pursuant to subsection (a)(3);

(B) in consultation with the Secretary of Homeland Security, with respect to recommendations concerning members of the Coast Guard;

(C) in consultation with the Secretary of Health and Human Services, with respect to recommendations concerning members of the Public Health Service;

(D) in consultation with the Secretary of Commerce, with respect to recommendations concerning members of the National Oceanic and Atmospheric Administration; and

(E) in consultation with the Director of the Office of Management and Budget.

(3) JUSTIFICATION.—The Secretary shall include with the recommendations under paragraph (1) the justification of the Secretary for each recommendation.

(4) AVAILABILITY OF INFORMATION.—The Secretary shall make available to the Commission and to Congress the information used by the Secretary to prepare the recommendations of the Secretary under paragraph (1).

(c) COMMISSION HEARINGS ON RECOMMENDATIONS OF SECRETARY.—After receiving from the Secretary the recommendations of the Secretary for military compensation and retirement modernization pursuant to subsection (b), the Commission shall conduct public hearings on the recommendations.

(d) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 15 months after the Commission establishment date, the Commission shall transmit to the President a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission for the modernization of the military compensation and retirement systems. The Commission shall include in the report legislative language to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations of the Secretary.

(2) REQUIREMENT FOR APPROVAL.—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President under paragraph (1).

(3) PROCEDURES FOR CHANGING RECOMMENDATIONS OF SECRETARY.—The Commission may make a change described in paragraph (4) in the recommendations made by the Secretary only if the Commission—

(A) determines that the change is consistent with the principles established by the President under subsection (a)(3);

(B) publishes a notice of the proposed change not less than 45 days before transmitting its recommendations to the President pursuant to paragraph (1); and

(C) conducts a public hearing on the proposed change.

(4) COVERED CHANGES.—Paragraph (3) applies to a change by the Commission in the recommendations of the Secretary that would—

(A) add a new recommendation;

(B) delete a recommendation; or

(C) substantially change a recommendation.

(5) EXPLANATION AND JUSTIFICATION FOR CHANGES.—The Commission shall explain and justify in its report submitted to the President under paragraph (1) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (b).

(6) TRANSMITTAL TO CONGRESS.—The Commission shall transmit a copy of its report to Congress on the same date on which it transmits its report to the President under paragraph (1).

SEC. 1607. CONSIDERATION OF COMMISSION RECOMMENDATIONS BY THE PRESIDENT AND CONGRESS.

(a) REVIEW BY THE PRESIDENT.—

(1) REPORT OF PRESIDENTIAL APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date on which the Commission transmits its report to the President under section 1606(d), the President shall transmit to the Commission and to Congress a report containing the approval or disapproval by the President of the recommendations of the Commission in the report.

(2) PRESIDENTIAL APPROVAL.—If in the report under paragraph (1) the President approves all the recommendations of the Commission, the President shall include with the report the following:

(A) A copy of the recommendations of the Commission.

(B) The certification by the President of the approval of the President of each recommendation.

(C) The legislative language transmitted by the Commission to the President as part of the report of the Commission under section 1606(d)(1).

(3) PRESIDENTIAL DISAPPROVAL.—

(A) REASONS FOR DISAPPROVAL.—If in the report under paragraph (1) the President disapproves the recommendations of the Commission, in whole or in part, the President shall include in the report the reasons for that disapproval.

(B) REVISED RECOMMENDATIONS FROM COMMISSION.—The Commission shall then transmit to the President, not later one month after the date of the report of the President under paragraph (1), revised recommendations for the modernization of the military compensation and retirement systems, together with revised legislative language to implement the revised recommendations of the Commission.

(4) ACTION ON REVISED RECOMMENDATIONS.—If the President approves all of the revised recommendations of the Commission transmitted pursuant to paragraph (3)(B), the President shall transmit to Congress, not later than one month after receiving the revised recommendations, the following:

(A) A copy of the revised recommendations.

(B) The certification by the President of the approval of the President of each recommendation as so revised.

(C) The revised legislative language transmitted to the President under paragraph (3)(B).

(5) TERMINATION OF COMMISSION.—If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) in accordance with the applicable deadline under such paragraph, the Commission shall be terminated not later than one month after the expiration of the period for transmittal of a report under paragraph (4).

(b) CONSIDERATION BY CONGRESS.—

(1) RULEMAKING.—The provisions of this subsection are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) MILITARY COMPENSATION AND RETIREMENT MODERNIZATION BILL.—For the purpose of this subsection, the term ''military compensation and retirement modernization bill'' means only a bill consisting of the proposed legislative language recommended by the Commission and submitted to Congress by the President pursuant to subsection (a).

(3) INTRODUCTION OF LEGISLATIVE PROPOSAL IN HOUSE AND SENATE.—If the President transmits to Congress under subsection (a) a copy of the recommendations of the Commission (including the legislative language recommended by the Commission), together with a certification of the approval of the President of the recommendations, the proposed legislative language recommended by the Commission and submitted to Congress by the President pursuant to that subsection—

(A) shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the chairman of the Committee on Armed Services of the Senate; and

(B) shall be introduced in the House of Representatives (by request) on the next legislative day by the chair of the Committee on Armed Services of the House of Representatives.

(4) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which the military compensation and retirement modernization bill is referred shall report it to the House without amendment not later than the end of the 60-day period beginning on the date on which the bill is introduced. If a committee fails to report the bill to the House within that period, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall not be in order after the last committee authorized to consider the bill reports it to the House or after the House has disposed of a motion to discharge the bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the Commission bill in accordance with subparagraphs (B) and (C). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) PROCEEDING TO CONSIDERATION.—After the last committee authorized to consider a military compensation and retirement modernization bill reports it to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the military compensation and retirement modernization bill in the House. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the military compensation and retirement modernization bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The military compensation and retirement modernization bill shall be considered as read. All points of order against the bill and against its consideration are waived. The previous question shall be considered as ordered on the bill to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

(D) VOTE ON PASSAGE.—The vote on passage of the military compensation and retirement modernization bill shall occur not later than the end of the 90-day period beginning on the date on which the bill is introduced.

(5) EXPEDITED PROCEDURE IN THE SENATE.—

(A) COMMITTEE CONSIDERATION.—A military compensation and retirement modernization bill introduced in the Senate under subsection (a) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than the end of the 60-day period beginning on the date on which the bill is introduced. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(B) MOTION TO PROCEED.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a military compensation and retirement modernization bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader's designee to move to proceed to the consideration of the military compensation and retirement modernization bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the military compensation and retirement modernization bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the military compensation and retirement modernization bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the military compensation and retirement modernization bill is agreed to, the military compensation and retirement modernization bill shall remain the unfinished business until disposed of.

(C) CONSIDERATION.—All points of order, other than budget points of order, against the military compensation and retirement modernization bill and against consideration of the bill are waived. Consideration of the bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 10 hours which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the bill is in order, shall

require an affirmative vote of three-fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the bill, including time used for quorum calls and voting, shall be counted against the total 10 hours of consideration.

(D) NO AMENDMENTS.—An amendment to the Commission bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill, is not in order.

(E) VOTE ON PASSAGE.—If the Senate has voted to proceed to the military compensation and retirement modernization bill, the vote on passage of the bill shall occur immediately following the conclusion of the debate on a military compensation and retirement modernization bill, and a single quorum call at the conclusion of the debate if requested. The vote on passage of the bill shall occur not later the end of the 90-day period beginning on the date on which the bill is introduced.

(F) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a military compensation and retirement modernization bill shall be decided without debate.

(6) AMENDMENT.—The military compensation and retirement modernization bill shall not be subject to amendment in either the House of Representatives or the Senate.

(7) CONSIDERATION BY THE OTHER HOUSE.—If, before passing the military compensation and retirement modernization bill, one House receives from the other a military compensation and retirement modernization bill—

(A) the military compensation and retirement modernization bill of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no military compensation and retirement modernization bill had been received from the other House until the vote on passage, when the military compensation and retirement modernization bill received from the other House shall supplant the military compensation and retirement modernization bill of the receiving House.

SEC. 1608. PAY FOR MEMBERS OF THE COMMISSION.

(a) IN GENERAL.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(b) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

SEC. 1609. EXECUTIVE DIRECTOR.

(a) APPOINTMENT.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) LIMITATIONS.—The Executive Director may not have served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment and may not have been employed by a veterans service organization or a military-related advocacy group or association during that one-year period.

SEC. 1610. STAFF.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(b) LIMITATIONS ON STAFF.—

(1) NUMBER OF DETAILEES FROM DEPARTMENT OF DEFENSE.—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(2) PRIOR DUTIES WITHIN DEPARTMENT OF DEFENSE.—A person may not be detailed from the Department of Defense to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter within the Department concerning the preparation of recommendations for military compensation and retirement modernization.

(3) NUMBER OF DETAILEES ELIGIBLE FOR MILITARY RETIRED PAY.—Not more than one-fourth of the personnel employed by or detailed to the Commission may be persons eligible for or receiving military retired pay.

(4) PRIOR EMPLOYMENT WITH CERTAIN ORGANIZATIONS.—A person may not be employed by or detailed to the Commission if, in the year before the employment or detail is to begin, that person was employed by a veterans service organization or a military-related advocacy group or association.

(c) LIMITATIONS ON PERFORMANCE REVIEWS.—No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed from the Department to that staff;

(2) review the preparation of such a report; or

(3) approve or disapprove such a report.

SEC. 1611. CONTRACTING AUTHORITY.

The Commission may lease space and acquire personal property to the extent funds are available.

SEC. 1612. JUDICIAL REVIEW PRECLUDED.

The following shall not be subject to judicial review:

(1) Actions of the President, the Secretary, and the Commission under section 1606.

(2) Actions of the President under section 1607(a).

SEC. 1613. TERMINATION.

Except as otherwise provided in this title, the Commission shall terminate not later than 26 months after the Commission establishment date.

SEC. 1614. FUNDING.

Of the amounts authorized to be appropriated by this division for the Department of Defense for fiscal year 2013, up to $10,000,000 shall be available to the Commission to carry out its duties under this title. Funds available to the Commission under the preceding sentence shall remain available until expended.

TITLE XVII—NATIONAL COMMISSION ON THE STRUCTURE OF THE AIR FORCE

SEC. 1701. SHORT TITLE.

This title may be cited as the ''National Commission on the Structure of the Air Force Act of 2012''.

SEC. 1702. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the National Commission on the Structure of the Air Force (in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President, of whom one shall be the Chairman of the Reserve Forces Policy Board;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), or (E) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chair.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIR AND VICE CHAIRMAN.—The Commission shall select a Chair and Vice Chair from among its members.

SEC. 1703. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall undertake a comprehensive study of the current structure of the Air Force to determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the Air Force in a manner consistent with available resources.

(2) CONSIDERATIONS.—In considering an alternative structure for the Air Force, the Commission shall give particular consideration to identifying a structure that—

(A) meets current and anticipated requirements of the combatant commands;

(B) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each;

(C) ensures that the reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States;

(D) provides for sufficient numbers of regular members of the Air Force to provide a

base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited;

(E) maintains a peacetime rotation force to avoid exceeding operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and

(F) maximizes achievable costs savings.

(b) REPORT.—Not later than March 31, 2014, the Commission shall submit to the President and the congressional defense committees a report which shall contain a detailed statement of the findings and conclusions of the Commission as a result of the study required by subsection (a), together with its recommendations for such legislation and administrative actions as it considers appropriate in light of the results of the study.

SEC. 1704. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 1705. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1706. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 1703.

SEC. 1707. FUNDING.

Amounts authorized to be appropriated for fiscal year 2013 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 may be available for the activities of the Commission under this title.

SEC. 1708. LIMITATION ON AVAILABILITY OF FUNDS FOR REDUCTIONS TO THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used to divest, retire, or transfer, or prepare to divest, retire, or transfer, any aircraft of the Air Force assigned to units of the Air National Guard or Air Force Reserve as of May 31, 2012.

(b) EXCEPTION.—The Secretary of the Air Force may divest or retire, or prepare to divest or retire, C–5A aircraft if the Secretary replaces such aircraft through a transfer of C–5B, C–5M, or C–17 mobility aircraft so as to maintain all Air National Guard and Air Force Reserve units impacted by such divestment or retirement at current or higher assigned manpower levels to operate the aircraft so transferred.

SEC. 1709. FUNDING FOR MAINTENANCE OF FORCE STRUCTURE OF THE AIR FORCE PENDING COMMISSION RECOMMENDATIONS.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2013, $1,400,000,000 for the force structure of the Air Force. The amount authorized to be appropriated by this section is in addition to any other amounts authorized to be appropriated by this Act.

SEC. 1710. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE PENDING FUTURE STRUCTURE STUDY.

The Secretary of the Air Force shall retain the current leadership rank and core functions of the Electronic Systems Center at Hanscom Air Force Base with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until 180 days after the National Commission on the Structure of the Air Force submits to the congressional defense committees the report required under section 1703.

SEC. 1711. AIR FORCE ASSESSMENTS OF THE EFFECTS OF PROPOSED MOVEMENTS OF AIRFRAMES ON JOINT READINESS TRAINING.

The Secretary of the Air Force shall—

(1) undertake an assessment of the effects of currently-proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and

(2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center (JRTC) or for such other purposes as the Secretary considers appropriate.

TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

Subtitle A—Fire Grants Reauthorization

SEC. 1801. SHORT TITLE.

This subtitle may be cited as the ''Fire Grants Reauthorization Act of 2012''.

SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting '', except as otherwise provided,'' after ''means'';

(2) in paragraph (4), by striking '' 'Director' means'' and all that follows through ''Agency;'' and inserting '' 'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;'';

(3) in paragraph (5)—

(A) by inserting ''Indian tribe,'' after ''county,''; and

(B) by striking ''and 'firecontrol' '' and inserting ''and 'fire control' '';

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

''(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;'';

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

''(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;''; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

''(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).''.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator of FEMA''.

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking ''Director's Award'' each place it appears and inserting ''Administrator's Award''.

SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

''SEC. 33. FIREFIGHTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

''(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

''(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

''(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

''(A) paid firefighting personnel; and

''(B) volunteer firefighting personnel.

''(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

''(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

''(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

''(b) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

''(A) assistance to firefighters grants under subsection (c); and

''(B) fire prevention and safety grants and other assistance under subsection (d).

''(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

''(A) establish specific criteria for the selection of grant recipients under this section; and

''(B) provide assistance with application preparation to applicants for such grants.

''(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

''(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

''(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

''(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

''(2) MAXIMUM GRANT AMOUNTS.—

''(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

''(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

''(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

''(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

''(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

''(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

''(B) AGGREGATE.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

''(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To train firefighting personnel in—

''(i) firefighting;

''(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

''(iii) arson prevention and detection;

''(iv) maritime firefighting; or

''(v) the handling of hazardous materials.

''(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

''(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

''(D) To certify—

''(i) fire inspectors; and

''(ii) building inspectors—

''(I) whose responsibilities include fire safety inspections; and

''(II) who are employed by or serving as volunteers with a fire department.

''(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

''(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

''(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

''(H) To acquire additional firefighting equipment, including equipment for—

''(i) fighting fires with foam in remote areas without access to water; and

''(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

''(I) To acquire personal protective equipment, including personal protective equipment—

''(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

''(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

''(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

''(K) To educate the public about arson prevention and detection.

''(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

''(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(d) FIRE PREVENTION AND SAFETY GRANTS.—

''(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

''(A) award grants to fire departments;

''(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

''(i) fire prevention programs; and

''(ii) research to improve firefighter health and life safety; and

''(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

''(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To enforce fire codes and promote compliance with fire safety standards.

''(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

''(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

''(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

''(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

''(e) APPLICATIONS FOR GRANTS.—

''(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

''(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

''(A) A description of the financial need of the applicant for the grant.

''(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

''(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

''(D) A list of other sources of funding received by the applicant—

''(i) for the same purpose for which the application for a grant under this section was submitted; or

''(ii) from the Federal Government for other fire-related purposes.

''(E) Such other information as the Administrator of FEMA determines appropriate.

''(3) JOINT OR REGIONAL APPLICATIONS.—

''(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

''(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

''(C) GUIDANCE.—The Administrator of FEMA shall—

''(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

''(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

''(f) PEER REVIEW OF GRANT APPLICATIONS.—

''(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

''(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

''(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

''(1) The findings and recommendations of the peer reviews carried out under subsection (f).

''(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

''(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

''(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

''(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

''(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

''(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

''(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

''(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

''(5) not less than 10 percent are awarded under subsection (d); and

''(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

''(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

''(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

''(2) STATE FIRE TRAINING ACADEMIES.—

''(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

''(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

''(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

''(j) FURTHER CONSIDERATIONS.—

''(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

''(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

''(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

''(i) Population served.

''(ii) Geographic response area.

''(iii) Hazards vulnerability.

''(iv) Call volume.

''(v) Financial situation, including unemployment rate of the area being served.

''(vi) Need for training or equipment.

''(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

''(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

''(A) prevention of injuries to high risk groups from fire; and

''(B) research programs that demonstrate a potential to improve firefighter safety.

''(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

''(i) select each grant recipient on—

''(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

''(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

''(III) the recipient's ability to disseminate the results of fire safety research; and

''(IV) the strategic plan the recipient proposes to carry out under the grant;

''(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

''(I) a national fire service organization or a national fire safety organization; and

''(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

''(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

''(B) RESEARCH NEEDS.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

''(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

''(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

''(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

''(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

''(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

''(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

''(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

''(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

''(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

''(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

''(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

''(4) WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

''(B) GUIDELINES.—

''(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

''(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

''(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(I) Changes in rates of unemployment from previous years.

''(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(IV) Such other factors as the Administrator of FEMA considers appropriate.

''(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

''(i) is described in subsection (d)(1)(B); and

''(ii) is not a fire department or emergency medical services organization.

''(l) GRANT GUIDELINES.—

''(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

''(A) guidelines that describe—

''(i) the process for applying for grants under this section; and

''(ii) the criteria that will be used for selecting grant recipients; and

''(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

''(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

''(i) Criteria for the awarding of grants under this section.

''(ii) Administrative changes to the assistance program established under subsection (b).

''(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

''(i) is recognized for expertise in firefighting or emergency medical services;

''(ii) is not an employee of the Federal Government; and

''(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

''(I) providers of emergency medical services that are affiliated with fire departments; or

''(II) nonaffiliated EMS providers.

''(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

''(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

''(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

''(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

''(p) ENSURING EFFECTIVE USE OF GRANTS.—

''(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

''(A) the grant amounts are expended for the intended purposes; and

''(B) the grant recipient complies with the requirements of subsection (k).

''(2) PERFORMANCE ASSESSMENT.—

''(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

''(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

''(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

''(4) ANNUAL REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

''(i) information on the performance assessment system developed under paragraph (2); and

''(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

''(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

''(q) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

''(A) $750,000,000 for fiscal year 2013; and

''(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

''(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

''(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.''.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

''(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

''(i) 75 percent in the first year of the grant;

''(ii) 75 percent in the second year of the grant; and

''(iii) 35 percent in the third year of the grant.''.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking ''organizations on a local or statewide basis'' and inserting ''national, State, local, or tribal organizations''.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

''(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

''(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

''(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

''(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.''.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

''(A) waive the requirements of subsection (c)(1); or

''(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

''(2) GUIDELINES.—

''(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

''(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

''(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(i) Changes in rates of unemployment from previous years.

''(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(iv) Such other factors as the Administrator of FEMA considers appropriate.''.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

''(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

''(2) SUBMITTAL OF INFORMATION.—''.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''The authority'' and all that follows through ''Congress concerning'' and inserting the following: ''Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on''.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''SUNSET AND REPORTS'' and inserting ''REPORT''.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking ''In this section, the term—'' and inserting ''In this section:'';

(B) in paragraph (1)—

(i) by inserting ''The term'' before ''firefighter' has''; and

(ii) by striking ''; and'' and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

''(2) The terms 'Administrator of FEMA', 'career fire department', 'combination fire department', and 'volunteer fire department' have the meanings given such terms in section 33(a).''.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking ''career, volunteer, and combination fire departments'' and inserting ''career fire departments, combination fire departments, and volunteer fire departments''.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) $750,000,000 for fiscal year 2013; and

''(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).''.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking ''There are'' and inserting the following:

''(1) IN GENERAL.—There are''; and

(D) by adding at the end the following:

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.''.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).''.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking ''Administrator'' each place it appears and inserting ''Administrator of FEMA''.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking ''expansion of pre-september 11, 2001, fire grant program'' and inserting the following: ''staffing for adequate fire and emergency response''.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

''(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms ''career fire department'', ''combination fire department'', and ''volunteer fire department'' have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term ''fire service'' has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving

communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the ''Task Force to Enhance Firefighter Safety'' (in this subsection referred to as the ''Task Force'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) $600,000 for fiscal year 2013; and

(2) $600,000 for fiscal year 2014.

Subtitle B—Reauthorization of United States Fire Administration

SEC. 1811. SHORT TITLE.

This subtitle may be cited as the ''United States Fire Administration Reauthorization Act of 2012''.

SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

''(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

''(1) perform such functions as the Administrator shall from time to time assign or delegate; and

''(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.''.

SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking ''to take all steps'' and all that follows through ''fire and fire prevention.'' and inserting ''to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.''.

SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking ''and'' at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

''(I) $76,490,890 for fiscal year 2013, of which $2,753,672 shall be used to carry out section 8(f);

''(J) $76,490,890 for fiscal year 2014, of which $2,753,672 shall be used to carry out section 8(f);

''(K) $76,490,890 for fiscal year 2015, of which $2,753,672 shall be used to carry out section 8(f);

''(L) $76,490,890 for fiscal year 2016, of which $2,753,672 shall be used to carry out section 8(f); and

''(M) $76,490,890 for fiscal year 2017, of which $2,753,672 shall be used to carry out section 8(f).''; and

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

SEC. 1815. REMOVAL OF LIMITATION.

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking ''UPDATE.—'' and all that follows through ''The Administrator'' and inserting ''UPDATE.—The Administrator''; and

(2) by striking paragraph (2).

TITLE XIX—MEMORIAL TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN THE AMERICAN REVOLUTION

SEC. 1901. FINDING.

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

SEC. 1902. DEFINITIONS.

In this title:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term ''Federal land'' means the parcel of land—

(i) identified as ''Area I''; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) EXCLUSION.—The term ''Federal land'' does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) MEMORIAL.—The term ''memorial'' means the memorial authorized to be established under section 3(a).

SEC. 1903. MEMORIAL AUTHORIZATION.

(a) AUTHORIZATION.—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) APPLICABLE LAW.—National Mall Liberty Fund D.C. shall establish the memorial

in accordance with chapter 89 of title 40, United States Code.

SEC. 1904. REPEAL OF JOINT RESOLUTIONS.

Public Law 99–558 (110 Stat. 3144) and Public Law 100–265 (102 Stat. 39) are repealed.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2013''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2016 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$10,400,000
	Joint Base Elmendorf-Richardson	$7,900,000
California	Concord	$8,900,000
Colorado	Fort Carson	$18,000,000
	Fort McNair	$7,200,000
Georgia	Fort Benning	$16,000,000
	Fort Gordon	$23,300,000
	Fort Stewart	$49,650,000
Hawaii	Pohakuloa Training Area	$29,000,000
	Schofield Barracks	$96,000,000
	Wheeler Army Air Field	$85,000,000
Kansas	Fort Riley	$12,200,000
Kentucky	Fort Campbell	$81,800,000
	Fort Knox	$6,000,000
Missouri	Fort Leonard Wood	$123,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$47,000,000
	Picatinny Arsenal	$10,200,000
New York	Fort Drum	$95,000,000
North Carolina	Fort Bragg	$68,000,000
Oklahoma	Fort Sill	$4,900,000
South Carolina	Fort Jackson	$24,000,000
Texas	Corpus Christi	$37,200,000
	Fort Bliss	$7,200,000
	Fort Hood	$51,200,000
	Joint Base San Antonio	$21,000,000
Virginia	Fort Belvoir	$94,000,000
	Fort Lee	$81,000,000
Washington	Joint Base Lewis McChord	$164,000,000
	Yakima	$5,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Italy	Camp Ederle	$36,000,000
	Vicenza	$32,000,000
Japan	Okinawa	$78,000,000
	Sagami	$18,000,000
Korea	Camp Humphreys	$45,000,000

SEC. 2102. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,641,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Army, as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for construction of a Road and Access Control Point at the installation, the Secretary of the Army may construct a standard design Access Control Point consistent with the Army's construction guidelines for Access Control Points.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Anniston Army Depot	Lake Yard Interchange	$1,400,000
New Jersey	Picatinny Arsenal	Ballistic evaluation Facility Phase I	$9,900,000

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (123 Stat. 2628), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2010 Project Authorizations

State/Country	Installation or Location	Project	Amount
Louisiana	Fort Polk	Land Purchases and Condemnation	$17,000,000
New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility, Ph2	$10,200,000
Virginia	Fort Belvoir	Road and Access Control Point	$9,500,000
Washington	Fort Lewis	Fort Lewis-McCord AFB Joint Access	$9,000,000
Kuwait	Kuwait	APS Warehouses	$82,000,000

SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a cadet barracks at the U.S. Military Academy, New York, in the amount of $192,000,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR MILITARY CONSTRUCTION FUNDS.—The Secretary of the Army shall use available, unobligated military construction funds appropriated for a fiscal year before fiscal year 2013 for the project described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$29,285,000
California	Camp Pendleton	$88,110,000
	Coronado	$78,541,000
	Miramar	$27,897,000
	San Diego	$71,188,000
	Seal Beach	$30,594,000
	Twentynine Palms	$47,270,000
	Ventura County	$12,790,000
Florida	Jacksonville	$21,980,000
Hawaii	Kaneohe Bay	$97,310,000
Mississippi	Meridian	$10,926,000
New Jersey	Earle	$33,498,000
North Carolina	Camp Lejeune	$69,890,000
	Cherry Point Marine Corps Air Station	$45,891,000
	New River	$8,525,000
South Carolina	Beaufort	$81,780,000
	Parris Island	$10,135,000
Virginia	Dahlgren	$28,228,000

Inside the United States—Continued

State	Installation or Location	Amount
	Oceana Naval Air Station	$39,086,000
	Portsmouth	$32,706,000
	Quantico	$58,714,000
	Yorktown	$48,823,000
Washington	Whidbey Island	$6,272,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain Island	SW Asia	$51,348,000
Diego Garcia	Diego Garcia	$1,691,000
Djibouti	Camp Lemonier	$99,420,000
Greece	Souda Bay	$25,123,000
Japan	Iwakuni	$13,138,000
	Okinawa	$8,206,000
Romania	Deveselu	$45,205,000
Spain	Rota	$17,215,000
Worldwide Unspecified	Unspecified Worldwide Locations	$34,048,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,527,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $97,655,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in 4601, including incremental funding for the construction of increment 2 of explosives handling wharf 2 at Kitsap, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), $254,241,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Kitsap (Bangor) Washington, for construction of Explosives Handling Wharf #2 at that location, the Secretary of the Navy may acquire fee or lesser real property interests to accomplish required environmental mitigation for the project using appropriations authorized for the project.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat 4670) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2009 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendleton	Operations Access Points, Red Beach	$11,970,000
	Marine Corps Air Station, Miramar	Emergency Response Station	$6,530,000
District of Columbia	Washington Navy Yard	Child Development Center	$9,340,000

SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (123 Stat. 2632), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2010 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Mountain Warfare Training Center, Bridgeport	Mountain Warfare Training, Commissary	$6,830,000
Maine	Portsmouth Naval Shipyard	Gate 2 Security Improvements	$7,090,000

Navy: Extension of 2010 Project Authorization—Continued

State/Country	Installation or Location	Project	Amount
Djibouti	Camp Lemonier	Security Fencing	$8,109,000
		Ammo Supply Point	$21,689,000
		Interior Paved Roads	$7,275,000

SEC. 2208. REALIGNMENT OF MARINES IN THE ASIA-PACIFIC REGION.

(a) RESTRICTION ON USE OF FUNDS.—Except as provided in subsection (c), none of the funds authorized to be appropriated under this Act, and none of the amounts provided by the Government of Japan for construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of Marine Corps forces from Okinawa to other locations until—

(1) the Commander of the United States Pacific Command provides to the congressional defense committees an assessment of the strategic and logistical resources needed to ensure the distributed lay-down of members of the United States Marine Corps in the United States Pacific Command Area of Responsibility meets the contingency operations plans;

(2) the Secretary of Defense submits to the congressional defense committees master plans for the construction of facilities and infrastructure to execute the Marine Corps distributed lay-down on Guam, Australia, and Hawaii, including a detailed description of costs and the schedule for such construction;

(3) the Secretary of the Navy submits a plan to the congressional defense committees detailing the proposed investments and schedules required to restore facilities and infrastructure at Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure, if any, on Guam affected by the realignment of forces.

(b) DEVELOPMENT OF PUBLIC INFRASTRUCTURE.—

(1) AUTHORIZATION REQUIRED.—If the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available in fiscal year 2012 or fiscal year 2013 under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam, the Secretary of Defense may not carry out such grant, transfer cooperative agreement, or supplemental funding unless specifically authorized by law.

(2) PUBLIC INFRASTRUCTURE DEFINED.—In this section, the term ''public infrastructure'' means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

(c) EXCEPTION TO RESTRICTION ON USE OF FUNDS.—The Secretary of Defense may use funds described in subsection (a) to carry out additional analysis or studies required the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for proposed actions on Guam or Hawaii.

(d) DISTRIBUTED LAY-DOWN DEFINED.—For purposes of this section, the term ''distributed lay-down'' refers to the planned distribution of Marines in Okinawa, Guam, Hawaii, Australia, and possibly elsewhere that is contemplated in support of the joint statement of the U.S. – Japan Security Consultative Committee dated April 27, 2012.

(e) REPEAL.—Section 2207 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1668) is repealed.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Arkansas	Little Rock AFB	$30,178,000
Florida	Tyndall AFB	$14,750,000
Georgia	Fort Stewart	$7,250,000
	Moody AFB	$8,500,000
New Mexico	Holloman AFB	$25,000,000
North Dakota	Minot AFB	$4,600,000
Texas	Joint Base San Antonio	$18,000,000
Utah	Hill AFB	$13,530,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

State	Installation or Location	Amount
Greenland	Thule AB	$24,500,000
Italy	Aviano AB	$9,400,000
Worldwide Unspecified	Unspecified Worldwide Locations	$34,657,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,253,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $79,571,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601, including incremental funding for the construction of increment 2 of the U.S. Strategic Command Replacement Facility at Offutt Air Force Base, Nebraska, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1670), $111,000,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (123 Stat. 2636), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
Missouri	Whiteman AFB	Land Acquisition North & South Boundary	$5,500,000
Montana	Malmstrom AFB	Weapons Storage Area (WSA), Phase 2	$10,600,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$1,300,000
California	Coronado	$55,259,000
	DEF Fuel Support Point - San Diego	$91,563,000
	Edwards Air Force Base	$27,500,000
	Twentynine Palms	$27,400,000
Colorado	Buckley Air Force Base	$30,000,000
	Fort Carson	$56,673,000
	Pikes Peak	$3,600,000
CONUS Classified	Classified Location	$6,477,000
Delaware	Dover AFB	$2,000,000
Florida	Eglin AFB	$41,695,000
	Hurlburt Field	$16,000,000
	MacDill AFB	$34,409,000
Hawaii	Joint Base Pearl Harbor-Hickam	$24,289,000
Illinois	Great Lakes	$28,700,000
	Scott AFB	$86,711,000
Indiana	Grissom ARB	$26,800,000
Kentucky	Fort Campbell	$71,639,000
Louisiana	Barksdale AFB	$11,700,000
Maryland	Annapolis	$66,500,000
	Bethesda Naval Hospital	$62,200,000
	Fort Meade	$128,600,000
Missouri	Fort Leonard Wood	$18,100,000
New Mexico	Cannon AFB	$93,085,000
New York	Fort Drum	$43,200,000
North Carolina	Camp Lejeune	$80,064,000
	Fort Bragg	$130,422,000
	Seymour Johnson AFB	$55,450,000
Pennsylvania	DEF Distribution Depot New Cumberland	$17,400,000
South Carolina	Shaw AFB	$57,200,000
Texas	Red River Army Depot	$16,715,000
Virginia	Joint Expeditionary Base Little Creek - Story	$11,132,000
	Norfolk	$8,500,000
Washington	Fort Lewis	$50,520,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	$26,969,000
Germany	Stuttgart-Patch Barracks	$2,413,000
	Vogelweh	$61,415,000
	Weisbaden	$52,178,000
Guantanamo Bay, Cuba	Guantanamo Bay	$40,200,000
Japan	Camp Zama	$13,273,000
	Kadena AB	$143,545,000
	Sasebo	$35,733,000
	Zukeran	$79,036,000
Korea	Kunsan AB	$13,000,000
	Osan AB	$77,292,000
Romania	Deveselu	$157,900,000
United Kingdom	Menwith Hill Station	$50,283,000
	RAF Feltwell	$30,811,000
	RAF Mildenhall	$6,490,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects as specified in the funding table in 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $150,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in 4601, including incremental funding for the following projects in the following amounts:

(1) For the construction of increment 7 of the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $19,000,000.

(2) For the construction of increment 4 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by title X of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), $191,414,000.

(3) For the construction of increment 4 of the hospital at Fort Bliss, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2642), $107,400,000.

(4) For the construction of increment 2 of the high performance computing center at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), as amended by section 2405(a) of this Act, $225,521,000.

(5) For the construction of increment 2 of the ambulatory care center phase 3 at Joint Base San Antonio, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), $80,700,000.

(6) For the construction of increment 2 of the medical center replacement at Rhine Ordnance Barracks, Germany, authorized by section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), $127,000,000.

SEC. 2404. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2401(a) of that Act (123 Stat. 2640), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Washington Headquarters Services: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Virginia	Pentagon Reservation	Pentagon electrical upgrade	$19,272,000

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), is amended in the item relating to Fort Meade, Maryland, by striking ''$29,640,000'' in the amount column and inserting ''$792,200,000''.

SEC. 2406. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary of Defense may carry out a military construction project to construct an Upgrade Fuel Pipeline at Andersen Air Force Base, Guam, in the amount of $67,500,000.

(b) LIMITATION.—No funds may be obligated or expended for the project described in subsection (a) until the Commander of the United States Pacific Command provides to the congressional defense committees a report, with classified annex if necessary, detailing the strategic and operational requirements satisfied by the construction of this project and a certification that this project is a bona fide need for meeting national security objectives for fiscal year 2013.

(c) USE OF UNOBLIGATED PRIOR-YEAR MILITARY CONSTRUCTION FUNDS.—The Secretary of Defense shall use available, unobligated military construction funds appropriated for a fiscal year before fiscal year 2013 for the project described in subsection (a).

(d) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601, including incremental funding for the following projects in the following amounts:

(1) For the construction of phase 14 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $36,000,000.

(2) For the construction of phase 13 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction

Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), and section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B Public Law 111–383; 124 Stat. 4450), $115,000,000.

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is amended—

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$484,000,000'' in the amount column and inserting ''$520,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$866,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$484,000,000'' and inserting ''$520,000,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, as specified in the funding table in section 4601.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$5,400,000
Arkansas	Searcy	$6,800,000
California	Fort Irwin	$25,000,000
Connecticut	Camp Hartell	$32,000,000
Delaware	Bethany Beach	$5,500,000
Florida	Camp Blanding	$9,000,000
	Miramar	$20,000,000
Hawaii	Kapolei	$28,000,000
Idaho	Orchard Training Area	$40,000,000
Indiana	South Bend	$21,000,000
	Terre Haute	$9,000,000
Iowa	Camp Dodge	$3,000,000
Kansas	Topeka	$9,500,000
Kentucky	Frankfort	$32,000,000
Massachusetts	Camp Edwards	$22,000,000
Minnesota	Camp Ripley	$17,000,000
	St. Paul	$17,000,000
Missouri	Fort Leonard Wood	$18,000,000
	Kansas City	$1,900,000
	Monett	$820,000
	Perryville	$700,000
Montana	Miles City	$11,000,000
New Jersey	Sea Girt	$34,000,000
New York	Stormville	$24,000,000
Ohio	Chillicothe	$3,100,000
	Delaware	$12,000,000
Oklahoma	Camp Gruber	$25,000,000
Utah	Camp Williams	$36,000,000
Washington	Fort Lewis	$35,000,000
West Virginia	Logan	$14,200,000
Wisconsin	Wausau	$10,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Installation	Amount
Guam	Barrigada	$8,500,000
Puerto Rico	Camp Santiago	$3,800,000
	Ceiba	$2,200,000
	Guaynabo	$15,000,000
	Gurabo	$14,700,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$68,300,000
	Tustin	$27,000,000
Illinois	Fort Sheridan	$28,000,000
Maryland	Aberdeen Proving Ground	$21,000,000
	Baltimore	$10,000,000
Massachusetts	Devens Reserve Forces Training Area	$8,500,000
Nevada	Las Vegas	$21,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$7,400,000
Washington	Joint Base Lewis-McChord	$40,000,000
Wisconsin	Fort McCoy	$47,800,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve Marine Corps Reserve

State	Location	Amount
Arizona	Yuma	$5,379,000
Iowa	Fort Des Moines	$19,162,000
Louisiana	New Orleans	$7,187,000
New York	Brooklyn	$4,430,000
Texas	Fort Worth	$11,256,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California	Fresno Yosemite IAP ANG	$11,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$6,500,000
New Mexico	Kirtland AFB	$8,500,000
Wyoming	Cheyenne MAP	$6,486,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
New York	Niagara Falls IAP	$6,100,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2604 of that Act (122 Stat. 4706), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport	Relocate Munitions Complex	$3,400,000

SEC. 2612. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorizations set forth in the tables in subsection (b), as provided in sections 2602 and 2604 of that Act (123 Stat. 2649, 2651), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

Army Reserve: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton	Army Reserve Center	$19,500,000
Connecticut	Bridgeport	Army Reserve Center/Land	$18,500,000

Air National Guard: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport	Relocate Base Entrance	$6,500,000

SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, as specified in the funding table in section 4601.

SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

SEC. 2703. TECHNICAL AMENDMENTS TO SECTION 2702 OF FISCAL YEAR 2012 ACT.

(a) CORRECTION.—Section 2702 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1681) is amended by striking ''Using amounts'' and all that follows through ''may carry out'' and inserting ''Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**AUTHORIZED**'' and inserting ''**AUTHORIZATION OF APPROPRIATIONS FOR**''.

SEC. 2704. CRITERIA FOR DECISIONS INVOLVING CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVITIES.

(a) CRITERIA.—Not later than March 31, 2013, the Comptroller General of the United States shall submit to the congressional defense committees a report including objective criteria to be used by the Department of Defense to make decisions relating to realignments of units employed at military installations that are not covered by the requirements of section 2687 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(b) ONE-YEAR MORATORIUM ON CERTAIN ACTIONS RESULTING IN PERSONNEL REDUCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no action may be taken before October 1, 2013, that would result in a military installation covered under paragraph (1) of section 2687(a) of title 10, United States Code, to no longer be covered by such paragraph.

(2) NATIONAL SECURITY WAIVER.—The Secretary of Defense may waive the prohibition under paragraph (1) if the Secretary certifies to the congressional defense committees

that is in the national security interests of the United States.

SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.

(a) CALCULATION OF NUMBER OF AFFECTED MEMBERS.—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: ''In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.''.

(b) NOTICE REQUIREMENTS.—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

''(1) the Secretary of Defense or the Secretary of the military department concerned—

''(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

''(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, strategic, and operational consequences of the reduction; and

''(2) a period of 90 days expires following the day on which the notice is submitted to Congress.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(d) DEFINITIONS.—In this section:

''(1) The term 'direct reduction' means a reduction involving one or more members of a unit.

''(2) The term 'indirect reduction' means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

''(3) The term 'military installation' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

''(4) The term 'unit' means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).''.

SEC. 2706. REPORT ON REORGANIZATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command organizations.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the efficiencies and effectiveness associated with the reorganization of Air Force Materiel Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands, including an assessment of the impact of the Air Force Materiel Command's reorganization on other commands' responsibilities for—

(A) Operational Test and Evaluation; and

(B) Follow-on Operational Test and Evaluation.

(4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the Director, Test Resource Management Center and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AUTHORIZED COST AND SCOPE VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''was approved originally'' and inserting ''was authorized'';

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: ''Any reduction in scope of work for a military construction project shall not result in a facility or item of infrastructure that is not complete and useable or does not fully meet the mission requirement contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.''; and

(B) by adding at the end the following new paragraph:

''(3) In this subsection, the term 'scope of work' refers to the function, size, or quantity of the primary facility, any associated facility, or item of complete and useable infrastructure contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.'';

(3) in subsection (c)(1)(A), by striking ''and the reasons therefor, including a description'' and inserting '', the reasons therefor, a certification that the mission requirement identified in the justification data provided to Congress can be still be met with the reduced scope, and a description''; and

(4) by adding at the end the following new subsection:

''(e) Notwithstanding the authority under subsections (a) through (d), the Secretary concerned shall ensure compliance of contracts for military construction projects and for the construction, improvement, and acquisition of military family housing projects with section 1341 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act').''.

SEC. 2802. COMPTROLLER GENERAL REPORT ON IN-KIND PAYMENTS.

(a) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the construction or renovation of Department of Defense facilities with in-kind payments. The report shall cover construction or renovation projects begun during the preceding two years.

(2) UPDATES.—Not later than one year after submitting the report required under paragraph (1), and annually thereafter for 3 years, the Comptroller General shall submit to the congressional defense committees a report covering projects begun since the most recent report.

(b) CONTENT.—Each report required under subsection (a) shall include the following elements:

(1) A listing of each facility constructed or renovated for the Department of Defense as payment in kind.

(2) The value in United States dollars of that construction or renovation.

(3) The source of the in-kind payment.

(4) The agreement pursuant to which the in-kind payment was made.

(5) A description of the purpose and need for the construction or renovation.

SEC. 2803. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1685), is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking the second sentence; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''September 30, 2012'' and inserting ''September 30, 2013''; and

(B) in paragraph (2), by striking ''fiscal year 2013'' and inserting ''fiscal year 2014''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY TO ACCEPT AS CONSIDERATION FOR LEASES OF NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES REAL PROPERTY INTERESTS AND NATURAL RESOURCE MANAGEMENT SERVICES RELATED TO AGREEMENTS TO LIMIT ENCROACHMENT.

Section 2667 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), by adding at the end the following new subparagraph:

''(G) Provision of interests in real property for the purposes specified in section 2684a of this title and provision of natural resource management services on such real property.''; and

(B) in paragraph (2), by striking ''accepted at any property or facilities'' and inserting ''accepted at or for the benefit of any property or facilities''; and

(2) in subsection (e)(1)(C), by adding at the end the following new clause:

''(vi) Provision of funds pursuant to an agreement under section 2684a of this title.''.

SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DEPARTMENT OF DEFENSE MAY CONDUCT EXCHANGES OF REAL PROPERTY AT MILITARY INSTALLATIONS.

Section 2869(a)(1) of title 10, United States Code is amended—

(1) by striking ''eligible''; and

(2) by striking ''entity'' both places it appears and inserting ''person''.

Subtitle C—Energy Security

SEC. 2821. GUIDANCE ON FINANCING FOR RENEWABLE ENERGY PROJECTS.

(a) GUIDANCE ON USE OF AVAILABLE FINANCING APPROACHES.—Not later than 180 days

after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment, shall issue guidance about the use of available financing approaches for financing renewable energy projects and direct the Secretaries of the military departments to update their guidance accordingly. The guidance should describe the requirements and restrictions applicable to the underlying authorities and any Department of Defense-specific guidelines for using appropriated funds and alternative-financing approaches for renewable energy projects.

(b) GUIDANCE ON USE OF BUSINESS CASE ANALYSES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Under Secretary of Defense for Installations and Environment, and the Secretaries of the military departments, shall issue guidance that establishes and clearly describes the processes used by the military departments to select financing approaches for renewable energy projects to ensure that business case analyses are completed to maximize benefits and mitigate drawbacks and risks associated with different financing approaches.

(c) INFORMATION SHARING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment, shall develop a formalized communications process, such as a shared Internet website, that will enable officials at military installations to have timely access on an ongoing basis to information related to financing renewable energy projects on other installations, including best practices and lessons that officials at other installations have learned from their experiences in financing renewable energy projects.

SEC. 2822. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION.

Section 2830(b)(1) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1695) is amended—

(1) by striking ''authorized to be appropriated by this Act'' and inserting ''authorized to be appropriated''; and

(2) by inserting before the period at the end the following: ''until the date that is six months after the date of the submittal to the congressional defense committees of the report required by subsection (a)''.

Subtitle D—Land Conveyances

SEC. 2831. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs (in this section referred to as the ''Department'') all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 5 acres of the Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of constructing and operating a Community Based Outpatient Clinic adjacent to the George E. Wahlen Veterans Home in Ogden, Utah.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary may require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Department. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. USE OF PROCEEDS, LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.

Section 2862(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 868) is amended—

(1) by striking ''and to improve'' and inserting '', to improve''; and

(2) by inserting before the period at the end the following: '', or for other purposes, subject to the limitations described in section 2667(e) of title 10, United States Code''.

Subtitle E—Other Matters

SEC. 2841. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.

Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following new subsection:

''(d) AUTHORIZATION REQUIREMENT.—If the Secretary of Defense determines that any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, or construction) of public infrastructure, such grant, cooperative agreement, or supplemental funding shall be specifically authorized by law.''; and

(3) in subsection (e), as redesignated by paragraph (1), by adding at the end the following new paragraph:

''(4) The term 'public infrastructure' means any utility, road, method of transportation, or facility under the control of a State or local government or a private entity that is used by, or constructed for the benefit of, the general public.''.

SEC. 2842. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on the map titled ''Petersburg National Battlefield Boundary Expansion'', numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—The Secretary of the Interior (referred to in this section as the ''Secretary'') is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) IN GENERAL.—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as ''Area to be transferred to Fort Lee Military Reservation'' on the map described in paragraph (2)(A); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as ''Area to be transferred to Petersburg National Battlefield'' on the map described in paragraph (2)(A).

(2) MAP.—

(A) IN GENERAL.—The land to be transferred under paragraph (1) is depicted on the map entitled ''Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction'', numbered 325/081A, and dated May 2011.

(B) AVAILABILITY.—The map described in subparagraph (A) shall be available for public inspection in the appropriate offices of the National Park Service.

(3) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction authorized in paragraph (1) shall be subject to the following conditions:

(A) NO REIMBURSEMENT OR CONSIDERATION.—The transfer shall occur without reimbursement or consideration.

(B) MANAGEMENT.—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.

SEC. 2843. CONGRESSIONAL NOTIFICATION WITH RESPECT TO OVERSIGHT AND MAINTENANCE OF BASE CEMETERIES FOLLOWING CLOSURE OF OVERSEAS MILITARY INSTALLATIONS.

(a) NOTIFICATION REQUIREMENT.—Not later than 30 days after closure of a United States military installation overseas, the Secretary of Defense shall submit to the appropriate congressional committees a report that details a plan to ensure the oversight and continued maintenance of the cemetery located on the military installation. The plan shall clearly detail which Federal agency or private entity will assume responsibility for the operation and maintenance of the cemetery following the closure of the installation and what information with regard to the cemetery has been provided to the responsible agency or private entity.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking ''EXCEPTION.—The Chief'' and inserting the following: ''EXCEPTIONS.—

''(1) EXEMPTION AUTHORITY.—The Chief''; and

(2) by inserting at the end the following new paragraph:

''(2) The Chief Information Officer of the Department may exempt from the applicability of this section research, development, test, and evaluation programs that use authorization or appropriations for the High Performance Computing Modernization Program (Program Element 0603461A), if the Chief Information Officer determines that the exemption is in the best interest of national security.''.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4601.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant projects for the National Nuclear Security Administration:

Project 13–D–301, Electrical Infrastructure Upgrades, Lawrence Livermore National Laboratory/Los Alamos National Laboratory, $23,000,000.

Project 13–D–903, Kesselring Site Prototype Staff Building, Kesselring Site, West Milton, New York, $14,000,000.

Project 13–D–904, Kesselring Site Radiological Work and Storage Building, Kesselring Site, West Milton, New York, $2,000,000.

Project 13–D–905, Remote-Handled Low-Level Waste Disposal Project, Idaho National Laboratory, Idaho, $8,900,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4601.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for other defense activities in carrying out programs as specified in the funding table in section 4601.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) PROJECT REQUIRED.—

(1) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

''SEC. 4215. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

''(a) REPLACEMENT BUILDING REQUIRED.—The Secretary of Energy shall construct at Los Alamos National Laboratory, New Mexico a building to replace the functions of the existing Chemistry and Metallurgy Research building at Los Alamos National Laboratory associated with Department of Energy Hazard Category 2 special nuclear material operations.

''(b) LIMITATION ON COST.—The cost of the building constructed under subsection (a) may not exceed $3,700,000,000.

''(c) PROJECT BASIS.—The construction authorized by subsection (a) shall use as it basis the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory).

''(d) DEADLINE FOR COMMENCEMENT OF OPERATIONS.—The building constructed under subsection (a) shall commence operations not later than December 31, 2024.''.

(2) CLERICAL AND TECHNICAL AMENDMENT.—The table of contents in section 4001(b) of such Act is amended by inserting after the item relating to 4213 the following new items:

''Sec. 4214. Plan for transformation of National Nuclear Security Administration nuclear weapons complex.

''Sec. 4215. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.''.

(b) FUNDING.—

(1) FISCAL YEAR 2013 FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), of the amounts authorized to be appropriated by this division for fiscal year 2013 for the National Nuclear Security Administration, $150,000,000 shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act (as added by subsection (a)).

(B) EXCEPTION.—The following amounts authorized to be appropriated by this division for fiscal year 2013 for the National Nuclear Security Administration shall not be available for the construction of the building:

(i) Amounts available for Directed Stockpile Work.

(ii) Amounts available for Naval Reactors.

(iii) Amounts available for the facility project in the Department of Energy Readiness and Technical Base designated 06–D–141.

(2) PRIOR FISCAL YEAR FUNDS.—Amounts authorized to be appropriated for the Department of Energy for a fiscal year before fiscal year 2013 and available for the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory, New Mexico) shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act (as so added).

SEC. 3112. SUBMITTAL TO CONGRESS OF SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON NUCLEAR WEAPON SYSTEMS UNDERGOING LIFE EXTENSION.

(a) SUBMITTAL REQUIRED.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.), as amended by section 3111 of this Act, is further amended by adding at the end the following new section:

''SEC. 4216. SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON NUCLEAR WEAPON SYSTEMS UNDERGOING LIFE EXTENSION.

''(a) SELECTED ACQUISITION REPORTS.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to the congressional defense committees at the end of each fiscal-year quarter a report on each nuclear weapon system undergoing life extension. The reports shall be known as Selected Acquisition Reports for the weapon system concerned.

''(2) The information contained in the Selected Acquisition Report for a fiscal-year quarter for a nuclear weapon system shall be the information contained in the Selected Acquisition Report for such fiscal-year quarter for a major defense acquisition program under section 2432 of title 10, United States Code, expressed in terms of the nuclear weapon system.

''(b) INDEPENDENT COST ESTIMATES.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to the congressional defense committees a cost estimate on each nuclear weapon system undergoing life extension at the times in production as follows:

''(A) At the completion of phase 6.2A, relating to design definition and cost study.

''(B) Before initiation of phase 6.5, relating to first production.

''(2) A cost estimate for purposes of this subsection may not be prepared by the Department of Energy or the National Nuclear Security Administration.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act, as so amended, is further amended by inserting after the item relating to 4215 the following new item:

''Sec. 4216. Selected Acquisition Reports and independent cost estimates on nuclear weapon systems undergoing life extension.''.

SEC. 3113. TWO-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (C), by striking ''2012'' and inserting ''2014''; and

(B) in subparagraph (D), by striking ''2017'' and inserting ''2019'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''by January 1, 2012''; and

(B) in paragraph (5), by striking ''2012'' and inserting ''2014'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''2012'' and inserting ''2014'';

(B) in paragraph (1), by striking ''2014'' and inserting ''2016''; and

(C) in paragraph (2), by striking ''2020'' each place it appears and inserting ''2022'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''2014'' and inserting ''2016''; and

(ii) by striking ''2019'' and inserting ''2021''; and

(B) in paragraph (2)(A), by striking ''2020'' each place it appears and inserting ''2022''; and

(5) in subsection (e), by striking ''2023'' and inserting ''2025''.

SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

''SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

''(a) PROGRAM REQUIRED.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

''(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

''(b) ELEMENTS.—The program shall include the elements as follows:

''(1) Training and capacity-building to strengthen nonproliferation and security best practices.

''(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

''(c) REPORT ON COMMENCEMENT OF PROGRAM.—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

''(1) For each country selected for the program as of the date of such report—

''(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

''(B) metrics for evaluating the success of the program.

''(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

''(d) REPORTS ON MODIFICATION OF PROGRAM.—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

''(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

''(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by inserting after the item relating to section 4308 the following new item:

''Sec. 4309. Program on scientific engagement for nonproliferation.''.

(b) REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3115. REPEAL OF REQUIREMENT FOR ANNUAL UPDATE OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING PLAN.

Section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) is amended—

(1) in subsection (b)(1), by striking ''and any updates of the plan under subsection (e)'';

(2) by striking subsection (e);

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(4) in subsection (e), as redesignated by paragraph (3)—

(A) by striking ''(1)'' before ''The Secretary''; and

(B) by striking paragraph (2).

SEC. 3116. QUARTERLY REPORTS TO CONGRESS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

(a) REPORTS REQUIRED.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

''SEC. 4732. QUARTERLY REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

''(a) REPORTS REQUIRED.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Energy shall submit to the congressional defense committees a report on the financial balances for each atomic energy defense program at the budget control levels used in the report accompanying the most current Act appropriating funds for energy and water development.

''(b) ELEMENTS.—Each report under subsection (a) shall set forth, for each program covered by such report, the following as of the end of the fiscal year quarter covered by such report:

''(1) The total amount authorized to be appropriated, including amounts authorized to be appropriated in the current fiscal year and amounts authorized to be appropriated for prior fiscal years.

''(2) The amount unobligated.

''(3) The amount unobligated but committed.

''(4) The amount obligated, but uncosted.

''(c) PRESENTATION.—Each report under subsection (a) shall present information as follows:

''(1) For each program, in summary form and by fiscal year.

''(2) With financial balances in connection with funding under recurring DoE national security authorizations (as that term is defined in section 4701(1)) presented separately from balances in connection with funding under any other provisions of law.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act is amended by inserting after the item relating to section 4731 the following new item:

''Sec. 4732. Quarterly reports on financial balances for atomic energy defense activities.''.

SEC. 3117. TRANSPARENCY IN CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.

(a) PUBLICATION REQUIRED.—

(1) IN GENERAL.—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

''SEC. 4805. PUBLICATION OF CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.

''(a) IN GENERAL.—The Administrator of the National Nuclear Security Administration shall take appropriate actions to make available, to the maximum extent practicable, to the public each contractor performance evaluation conducted by the Administration of a national laboratory, production plant, or single user facility under the management responsibility of the Administration that results in the award of an award fee to the contractor concerned.

''(b) FORMAT.—Performance evaluations shall be made public under this section in a common format that facilitates comparisons of performance evaluations between and among similar management contracts.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of that Act is amended by inserting after the item relating to section 4804 the following new item:

''Sec. 4805. Publication of contractor performance evaluations by the National Nuclear Security Administration leading to award fees.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contractor performance evaluations conducted by the National Nuclear Security Administration on or after that date.

SEC. 3118. EXPANSION OF AUTHORITY TO ESTABLISH CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.

(a) NUMBER OF POSITIONS.—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended by striking ''300'' and inserting ''700''.

(b) EXTENSION TO CONTRACTING POSITIONS.—Such section is further amended by inserting ''contracting,'' before ''scientific''.

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 3241. AUTHORITY TO ESTABLISH CERTAIN CONTRACTING, SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.''.

(d) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by striking the item relating to section 3241 and inserting the following new item:

''Sec. 3241. Authority to establish certain contracting, scientific, engineering, and technical positions.''.

SEC. 3119. MODIFICATION AND EXTENSION OF AUTHORITY ON ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

(a) PROGRAMS FOR WHICH FUNDS MAY BE ACCEPTED.—Paragraph (2) of section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)) is amended to read as follows:

''(2) PROGRAMS COVERED.—The programs described in this paragraph are any programs within the Office of Defense Nuclear Nonproliferation of the National Nuclear Security Administration.''.

(b) EXTENSION.—Paragraph (7) of such section is amended by striking ''December 31, 2013'' and inserting ''December 31, 2018''.

SEC. 3120. COST CONTAINMENT FOR Y–12 URANIUM PROCESSING FACILITY, Y–12 NATIONAL SECURITY COMPLEX, OAK RIDGE, TENNESSEE.

(a) EXECUTION PHASES FOR PROJECT.—Project 06–D–141 for the Y–12 Uranium Processing Facility, Y–12 National Security Complex, Oak Ridge, Tennessee, shall be broken into separate execution phases as follows

(1) Phase I, which shall consist of processes associated with building 9212, including uranium casting and uranium chemical processing.

(2) Phase II, which shall consist of processes associated with buildings 9215 and 9998, including uranium metal working, machining, and inspection.

(3) Phase III, which shall consist of processes associated with building 9204–2E. including radiography, assembly, disassembly, quality evaluation, and production certification operations of nuclear weapon secondaries.

(b) BUDGETING AND AUTHORIZATION FOR EACH PHASE.—

(1) BUDGETING FOR EACH PHASE REQUIRED.—The Secretary of Energy shall budget separately for each phase under subsection (a) of the project referred to in that subsection.

(2) FUNDING PURSUANT TO SEPARATE AUTHORIZATIONS OF APPROPRIATIONS.—The Secretary may not proceed with a phase under subsection (a) of the project referred to in that subsection except with funds expressly authorized to be appropriated for that phase by law.

(c) COMPLIANCE OF PHASES WITH DOE ORDER ON PROGRAM AND PROJECT MANAGEMENT.—Each phase under subsection (a) of the project referred to in that subsection shall comply with Department of Energy Order 413.3, relating to Program Management and Project Management for the Acquisition of Capital Assets.

(d) LIMITATION ON COST OF PHASE I.—The total cost of Phase I under subsection (a) of the project referred to in that subsection may not exceed $4,200,000,000.

SEC. 3121. AUTHORITY TO RESTORE CERTAIN FORMERLY RESTRICTED DATA TO THE RESTRICTED DATA CATEGORY.

(a) IN GENERAL.—Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended—

(1) in subsection d.—

(A) by inserting ''(1)'' before ''The Commission''; and

(B) by adding at the end the following new paragraphs:

''(2) The Commission may restore to the Restricted Data category any information related to the design of nuclear weapons removed under paragraph (1) if the Commission and the Department of Defense jointly determine that—

''(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;

''(B) the information would be more appropriately protected as Restricted Data; and

''(C) restoring the information to the Restricted Data category is in the interest of national security.

''(3) Information related to the design of nuclear weapons shall be restored to the Restricted Data category under paragraph (2) in accordance with regulations prescribed by the Commission for purposes of that paragraph.''; and

(2) in subsection e.—

(A) by inserting ''(1)'' before ''The Commission''; and

(B) by adding at the end the following new paragraphs:

''(2) The Commission may restore to the Restricted Data category any information concerning atomic energy programs of other nations removed under paragraph (1) if the Commission and the Director of National Intelligence jointly determine that—

''(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;

''(B) the information would be more appropriately protected as Restricted Data; and

''(C) restoring the information to the Restricted Data category is in the interest of national security.

''(3) Information concerning atomic energy programs of other nations shall be restored to the Restricted Data category under paragraph (2) in accordance with regulations prescribed by the Commission for purposes of that paragraph.''.

(b) TECHNICAL AMENDMENT.—Paragraph (1) of subsection (e) of such section, as designated by subsection (a)(2)(A) of this section, is further amended by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''.

SEC. 3122. RENEWABLE ENERGY.

Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking ''geothermal,'' and inserting ''geothermal (including geothermal heat pumps),''.

Subtitle C—Reports

SEC. 3131. REPORT ON ACTIONS REQUIRED FOR TRANSITION OF REGULATION OF NON-NUCLEAR ACTIVITIES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO OTHER FEDERAL AGENCIES.

Not later than February 28, 2013, the Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to Congress a report on the actions required to transition, to the maximum extent practicable, the regulation of the non-nuclear activities of the National Nuclear Security Administration to other appropriate agencies of the Federal Government by not later than October 1, 2017.

SEC. 3132. REPORT ON CONSOLIDATION OF FACILITIES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit to the congressional defense committees a report setting forth the assessment of the Council as to the feasibility of consolidating facilities and functions of the National Nuclear Security Administration in order to reduce costs.

(b) PROCESS FOR CONSOLIDATION.—If the assessment of the Council in the report under subsection (a) is that excess facilities exist and the consolidation of facilities and functions of the Administration is feasible and would reduce cost, the report shall include recommendations for a process to determine the manner in which the consolidation should be accomplished, including an estimate of the time to be required to complete the process.

(c) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING REPORT.—Amounts authorized to be appropriated by this title and available for the facility projects in the Department of Energy Readiness and Technical Base designated 04–D–125 and 06–D–141 may not be obligated or expended for CD–3, Start of Construction (as found in Department of Energy Order 413.3 B Program and Project Management for the Acquisition of Capital Assets,) until the submittal under subsection (a) of the report required by that subsection.

SEC. 3133. REGIONAL RADIOLOGICAL SECURITY ZONES.

(a) FINDINGS.—Congress makes the following findings:

(1) A terrorist attack using high-activity radiological materials, such as in a dirty bomb, could inflict billions of dollars of economic costs and considerable societal and economic dislocation, with effects and costs possibly lasting for years.

(2) It may be easier for terrorists to obtain the materials for, and to fabricate, a dirty bomb than an improvised nuclear device.

(3) Radiological materials are in widespread use worldwide, with estimates of the number of radiological sources ranging from 100,000 to millions.

(4) Many nations have a security and regulatory regime for their radiological sources that is much less developed than that of the United States.

(5) Radiological materials are used at many civilian sites including hospitals, industrial sites, and other locations that have little security, placing these materials at risk of theft.

(6) Many radiological materials have become lost, disused, unwanted, or abandoned, with the Global Threat Reduction Initiative of the National Nuclear Security Administration having recovered more than 30,000 radioactive sources in the United States, repatriated more than 2,400 United States-origin sources from other countries, and helped recover more than 13,000 radioactive sources and radioisotope thermoelectric generators in other countries.

(7) High-activity radiological materials can be used in a dirty bomb.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States and global nonproliferation efforts should place a high priority on programs to secure high-activity radiological sources to reduce the threat of radiological terrorism.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate committees of Congress a study in accordance with paragraph (3).

(2) CONSULTATION.—The Administrator may, in conducting the study required under paragraph (1), consult with the Secretary of Homeland Security, the Secretary of State, the Nuclear Regulatory Commission, and such other departments and agencies of the United States Government as the Administrator considers appropriate.

(3) MATTERS INCLUDED.—The study under paragraph (1) shall include the following:

(A) An assessment of the radioactive isotopes and associated activity levels that present the greatest risk to national and international security.

(B) A review of current United States Government efforts to secure radiological materials abroad, including coordination with foreign governments, the European Union, the International Atomic Energy Agency, other international programs, and nongovernmental organizations that identify, register, secure, remove, and provide for the disposition of high-risk radiological materials worldwide.

(C) A review of current United States Government efforts to secure radiological materials domestically at civilian sites, including hospitals, industrial sites, and other locations.

(D) A definition of regional radiological security zones, including the subset of the materials of concern to be the immediate focus and the security best practices required to achieve that goal.

(E) An assessment of the feasibility, cost, desirability, and added benefit of establishing regional radiological security zones in high priority areas worldwide in order to facilitate regional collaboration in—

(i) identifying and inventorying high-activity radiological sources at high-risk sites;

(ii) reviewing national level regulations, inspections, transportation security, and security upgrade options; and

(iii) assessing opportunities for the harmonization of regulations and security practices among the nations of the region.

(F) An assessment of the feasibility, cost, desirability, and added benefit of establishing remote regional monitoring centers that would receive real-time data from radiological security sites, would be staffed by trained personnel from the countries in the region, and would alert local law enforcement in the event of a potential or actual terrorist incident or other emergency.

(G) A list and assessment of the best practices used in the United States that are most critical in enhancing domestic radiological material security and could be used to enhance radiological security worldwide.

(H) An assessment of the United States entity or entities that would be best suited to lead efforts to establish a radiological security zone program.

(I) An estimate of the costs associated with the implementation of a radiological security zone program.

(J) An assessment of the known locations outside the United States housing high-risk radiological materials in excess of 1,000 curies.

(4) FORM.—The study required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 3134. REPORT ON LEGACY URANIUM MINES.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Energy shall undertake a review of, and prepare a report on, abandoned uranium mines at which uranium ore was mined for the weapons program of the United States (hereinafter referred to as ''legacy uranium mines'').

(2) MATTERS TO BE ADDRESSED.—The report shall describe and analyze—

(A) the location of the legacy uranium mines on Federal, State, tribal, and private land, taking into account any existing inventories undertaken by Federal agencies, States, and Indian tribes, and any additional information available to the Secretary;

(B) the extent to which the legacy uranium mines—

(i) may pose a potential and significant radiation health hazard to the public;

(ii) may pose some other threat to public health and safety hazard;

(iii) have caused, or may cause, degradation of water quality; and

(iv) have caused, or may cause, environmental degradation;

(C) a ranking of priority by category for the remediation and reclamation of the legacy uranium mines;

(D) the potential cost and feasibility of remediating and reclaiming, in accordance with applicable Federal law, each category of legacy uranium mines; and

(E) the status of any efforts to remediate and reclaim legacy uranium mines.

(b) RECOMMENDATIONS.—The report shall—

(1) make recommendations as to how to ensure most feasibly and effectively and expeditiously that the public health and safety, water resources, and the environment will be protected from the adverse effects of legacy uranium mines; and

(2) make recommendations on changes, if any, to Federal law to address the remediation and reclamation of legacy uranium mines.

(c) CONSULTATION.—In preparing the report, the Secretary of Energy shall consult with any other relevant Federal agencies, affected States and Indian tribes, and interested members of the public.

(d) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate and the appropriate Committees of the House of Representatives—

(1) the report; and

(2) the plan and timeframe of the Secretary of Energy for implementing those recommendations of the report that do not require legislation.

SEC. 3135. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PROJECTS CARRIED OUT BY OFFICE OF ENVIRONMENTAL MANAGEMENT OF THE DEPARTMENT OF ENERGY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2713) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''The Comptroller General shall conduct a review during the period described in paragraph (2), of the following:'' and inserting ''Beginning on the date of the submittal of the report required under subsection (b)(2), the Comptroller General shall conduct a review of the following:'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C), by striking ''the end of the period described in paragraph (2)'' and inserting ''August 30, 2012''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:'' and inserting ''Following the submittal of the final report required under subsection (c)(2), the Comptroller General shall conduct a review of the following:''; and

(B) in paragraph (2), by striking ''Not later than 90 days after submitting the last report required under subsection (c)(3)'' and inserting ''Within seven months after receiving notification that all American Recovery and Reinvestment Act funds have been expended, but not later than April 30, 2016''.

Subtitle D—Other Matters

SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y–12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, ''gained access to the protected security area directly adjacent to one of the nation's most critically important nuclear weapons-related facilities''.

(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration's Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested ''contractor assurance'' approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a ''high risk'' designation and found there to be insufficient qualified Federal acquisition professionals to ''plan, direct, and oversee project execution''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be carefully evaluated;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished but should be routinely evaluated;

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

Subtitle E—American Medical Isotopes Production

SEC. 3151. SHORT TITLE.

This subtitle may be cited as the ''American Medical Isotopes Production Act of 2012''.

SEC. 3152. DEFINITIONS.

In this subtitle:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' means uranium enriched to 20 percent or greater in the isotope U–235.

(3) LOW ENRICHED URANIUM.—The term ''low enriched uranium'' means uranium enriched to less than 20 percent in the isotope U–235.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3153. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U–235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(b) DEVELOPMENT ASSISTANCE.—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE-BACK.—

(1) IN GENERAL.—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) TITLE.—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

(A) SECRETARY.—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) PRODUCER.—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this subtitle, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) EXCHANGE OF URANIUM FOR SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) COORDINATION OF ENVIRONMENTAL REVIEWS.—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) OPERATIONAL DATE.—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) RADIOACTIVE WASTE.—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

SEC. 3154. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

''c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

''d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

''(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

''(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

''e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

''f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

''(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

''(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

''g. As used in this section—

''(1) the term 'alternative nuclear reactor fuel or target' means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U–235;

''(2) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235;

''(3) a fuel or target 'can be used' in a nuclear research or test reactor if—

''(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

''(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

''(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and

other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.''.

SEC. 3155. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 3156. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

''SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

''a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

''(1) the Commission determines that—

''(A) there is no alternative medical isotope production target, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor; and

''(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

''(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

''b. As used in this section—

''(1) the term 'alternative medical isotope production target' means a nuclear reactor target which is enriched to less than 20 percent of the isotope U–235;

''(2) a target 'can be used' in a nuclear research or test reactor if—

''(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

''(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

''(3) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235; and

''(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.''.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

''Sec. 112. Domestic medical isotope production.''.

SEC. 3157. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3143;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3143(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3143.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3143(c).

SEC. 3158. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

SEC. 3159. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

Subtitle F—Other Matters

SEC. 3161. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE STRUCTURE OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION AND ITS RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) ESTABLISHMENT.—There is established a congressional advisory panel (in this section referred to as the ''advisory panel'') to assess the feasibility and advisability of, and make recommendations with respect to, revising the governance structure of the National Nuclear Security Administration (in this section referred to as the ''Administration'') to permit the Administration to operate more effectively.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Three by the Speaker of the House of Representatives.

(B) Three by the Minority Leader of the House of Representatives.

(C) Three by the Majority Leader of the Senate.

(D) Three by the Minority Leader of the Senate.

(2) CHAIRMAN; VICE CHAIRMAN.—

(A) CHAIRMAN.—The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly designate one member of the advisory panel to serve as chairman of the advisory panel.

(B) VICE CHAIRMAN.—The Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly designate one member of the advisory panel to serve as vice chairman of the advisory panel.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be appointed for a term of one year and may be reappointed for an additional period lasting until the termination of the advisory panel in accordance with subsection (f). Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(c) COOPERATION FROM FEDERAL AGENCIES.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information necessary for the advisory panel to carry out its duties under this section.

(2) ACCESS TO INFORMATION.—Members of the advisory panel shall have access to all information, including classified information, necessary to carry out the duties of the advisory panel under this section. The security clearance process shall be expedited for members and staff of the advisory panel to the extent necessary to permit the advisory panel to carry out its duties under this section.

(3) LIAISON.—The Secretary of Defense, the Secretary of State, and the Secretary of Energy shall each designate at least one officer or employee of the Department of Defense, Department of State, and the Department of Energy, respectively, to serve as a liaison officer between the department and the advisory panel.

(d) REPORT REQUIRED.—Not later than 120 days after the date that each of the members of the advisory panel has been appointed, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the feasibility and advisability of revising the governance structure of the Administration to permit the Administration to operate more effectively, to be

followed by a final report prior to the termination of the advisory panel in accordance with subsection (f). The reports shall include the following:

(1) Recommendations with respect to the following:

(A) The organization and structure of the Administration, including the roles, responsibilities, and authorities of the Administration and mechanisms for holding the Administration accountable.

(B) The allocation of roles and responsibilities with respect to the safety and security of the nuclear weapons complex.

(C) The relationship of the Administration to the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, and other Federal agencies, as well as the national security laboratories, as appropriate.

(D) The role of the Administration in the interagency process for planning, programming, and budgeting with respect to the nuclear weapons complex.

(E) Legislative changes necessary for revising the governance structure of the Administration.

(F) The appropriate structure for oversight of the Administration by congressional committees.

(G) The length of the term of the Administrator for Nuclear Security.

(H) The authority of the Administrator to appoint senior members of the Administrator's staff.

(I) Whether the nonproliferation activities of the Administration on the day before the date of the enactment of this Act should remain with the Administration or be transferred to another agency.

(J) Infrastructure, rules, and standards that will better protect the safety and health of nuclear workers, while also permitting those workers the appropriate freedom to efficiently and safely carry out their mission.

(K) Legislative or regulatory changes required to improve contracting best practices in order to reduce the cost of programs without eroding mission requirements.

(L) Whether the Administration should operate more independently of the Department of Energy while reporting to the President through Secretary of Energy.

(2) An assessment of how revisions to the governance structure of the Administration will lead to a more mission-focused management structure capable of keeping programs on schedule and within cost estimates.

(3) An assessment of the disadvantages and benefits of each organizational structure for the Administration considered by the advisory panel.

(4) An assessment of how the national security laboratories can expand basic science in support of ancillary national security missions in a manner that mutually reinforces the stockpile stewardship mission of the Administration and encourages the retention of top performers.

(5) An assessment of how to better retain and recruit personnel, including recommendations for creating an improved professional culture that emphasizes the scientific, engineering, and national security objectives of the United States.

(6) Any other information or recommendations relating to revising the governance structure of the Administration that the advisory panel considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2013 and made available to the Department of Defense pursuant to this Act, not more than $1,000,000 shall be made available to the advisory panel to carry out this section.

(f) SUNSET.—The advisory panel established by subsection (a) of this section shall be terminated on the date that is 365 days after the date that each of the twelve members of the advisory panel has first been appointed.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2013, $29,415,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. SHORT TITLE.

This title may be cited as the ''Maritime Administration Authorization Act for Fiscal Year 2013''.

SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.

(a) ASSESSMENT.—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) FACTORS.—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with antitrust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) RECOMMENDATIONS.—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) DEADLINE.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3503. SHORT SEA TRANSPORTATION.

(a) PURPOSE.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''landside congestion.'' and inserting ''landside congestion or to promote short sea transportation.'';

(2) in subsection (c), by striking ''coastal corridors'' and inserting ''coastal corridors or to promote short sea transportation'';

(3) in subsection (d), by striking ''that the project may'' and all that follows through the end of the subsection and inserting ''that the project uses documented vessels and—

''(1) mitigates landside congestion; or

''(2) promotes short sea transportation.''; and

(4) in subsection (f), by striking ''shall'' each place it appears and inserting ''may''.

(b) DOCUMENTATION.—Section 55605 of title 46, United States Code, is amended in the matter preceding paragraph (1) by striking ''by vessel'' and inserting ''by a documented vessel''.

SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

''§ 50307. Maritime environmental and technical assistance

''(a) IN GENERAL.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under Untied States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

''(b) REQUIREMENTS.—The Secretary of Transportation may—

''(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

''(A) reducing air emissions, water emissions, or other ship discharges;

''(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

''(C) controlling aquatic invasive species; and

''(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

''(c) COORDINATION.—Coordination under subsection (b)(2) may include—

''(1) activities that are associated with the development or approval of validation and testing regimes; and

''(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

''(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

''50307. Maritime environmental and technical assistance.''.

SEC. 3505. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

Section 501(b) of title 46, United States Code, is amended—

(1) by striking ''When the head'' and inserting the following:

''(1) IN GENERAL.—When the head''; and

(2) by adding at the end the following:

''(2) DETERMINATIONS.—The Maritime Administrator shall—

''(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

''(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

''(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

''(3) NOTICE TO CONGRESS.—

''(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

''(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

''(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

''(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

''(i) the reasons the waiver is necessary; and

''(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.''.

SEC. 3506. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3507. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this title, the Comptroller General of the Government Accountability Office shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) ASSESSMENT.—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Comptroller General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

SEC. 3508. REQUIREMENT FOR BARGE DESIGN.

Not later than 270 days after the date of enactment of this title, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting ''or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof'' after ''a non-profit training institution''.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supercede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
001	UTILITY F/W AIRCRAFT	18,639	18,639
002	C–12 CARGO AIRPLANE	0	0
003	MQ–1 UAV	518,088	518,088
004	RQ–11 (RAVEN)	25,798	25,798
005	BCT UNMANNED AERIAL VEH (UAVS) INCR 1.	0	0
	ROTARY		
006	HELICOPTER, LIGHT UTILITY (LUH).	271,983	271,983
007	AH–64 APACHE BLOCK IIIA REMAN.	577,115	577,115
008	ADVANCE PROCUREMENT (CY).	107,707	107,707
009	AH–64 APACHE BLOCK IIIB NEW BUILD.	153,993	153,993
010	ADVANCE PROCUREMENT (CY).	146,121	146,121
011	AH–64 BLOCK II/WRA	0	0
012	KIOWA WARRIOR (OH–58F) WRA.	0	0
013	UH–60 BLACKHAWK M MODEL (MYP).	1,107,087	1,107,087
014	ADVANCE PROCUREMENT (CY).	115,113	115,113
015	CH–47 HELICOPTER	1,076,036	1,076,036
016	ADVANCE PROCUREMENT (CY).	83,346	83,346
	MODIFICATION OF AIRCRAFT		
017	C12 AIRCRAFT MODS	0	0
018	MQ–1 PAYLOAD—UAS	231,508	231,508
019	MQ–1 WEAPONIZATION—UAS.	0	0
020	GUARDRAIL MODS (MIP)	16,272	16,272
021	MULTI SENSOR ABN RECON (MIP).	4,294	4,294
022	AH–64 MODS	178,805	178,805
023	CH–47 CARGO HELICOPTER MODS (MYP).	39,135	39,135
024	UTILITY/CARGO AIRPLANE MODS.	24,842	24,842
025	AIRCRAFT LONG RANGE MODS.	0	0
026	UTILITY HELICOPTER MODS.	73,804	73,804
027	KIOWA WARRIOR MODS	192,484	192,484
028	AIRBORNE AVIONICS	0	0
029	NETWORK AND MISSION PLAN.	190,789	190,789
030	COMMS, NAV SURVEILLANCE.	133,191	89,191
	JTRS integration delayed.		[–44,000]
031	GATM ROLLUP	87,280	87,280
032	RQ–7 UAV MODS	104,339	104,339
	SPARES AND REPAIR PARTS		
033	SPARE PARTS (AIR)	0	0
	GROUND SUPPORT AVIONICS		
034	AIRCRAFT SURVIVABILITY EQUIPMENT.	34,037	34,037
035	SURVIVABILITY CM	0	0
036	CMWS	127,751	127,751
	OTHER SUPPORT		
037	AVIONICS SUPPORT EQUIPMENT.	4,886	4,886
038	COMMON GROUND EQUIPMENT.	82,511	82,511
039	AIRCREW INTEGRATED SYSTEMS.	77,381	77,381
040	AIR TRAFFIC CONTROL	47,235	47,235
041	INDUSTRIAL FACILITIES	1,643	1,643
042	LAUNCHER, 2.75 ROCKET	516	516
	TOTAL, AIRCRAFT PROCUREMENT, ARMY.	**5,853,729**	**5,809,729**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	PATRIOT SYSTEM SUMMARY.	646,590	646,590
002	MSE MISSILE	12,850	12,850
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY.	0	0
004	HELLFIRE SYS SUMMARY	1,401	1,401
005	JAVELIN (AAWS-M) SYSTEM SUMMARY.	81,121	81,121
006	TOW 2 SYSTEM SUMMARY.	64,712	64,712
007	ADVANCE PROCUREMENT (CY).	19,931	19,931
008	GUIDED MLRS ROCKET (GMLRS).	218,679	218,679
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR).	18,767	18,767
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM.	12,051	12,051
011	PATRIOT MODS	199,565	199,565
012	ITAS/TOW MODS	0	0
013	MLRS MODS	2,466	2,466
014	HIMARS MODIFICATIONS	6,068	6,068

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
015	HELLFIRE MODIFICATIONS	0	0
016	SPARES AND REPAIR PARTS.	7,864	7,864
017	AIR DEFENSE TARGETS	3,864	3,864
018	ITEMS LESS THAN $5 MILLION (MISSILES).	1,560	1,560
019	PRODUCTION BASE SUPPORT.	5,200	5,200
	TOTAL, MISSILE PROCUREMENT, ARMY.	**1,302,689**	**1,302,689**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	STRYKER VEHICLE	286,818	286,818
002	FCS SPIN OUTS	0	0
	MODIFICATION OF TRACKED COMBAT VEHICLES		
003	STRYKER (MOD)	60,881	60,881
004	FIST VEHICLE (MOD)	57,257	57,257
005	BRADLEY PROGRAM (MOD).	148,193	148,193
006	HOWITZER, MED SP FT 155MM M109A6 (MOD).	10,341	10,341
007	PALADIN PIM MOD IN SERVICE.	206,101	206,101
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES).	107,909	230,909
	Increased production		[123,000]
009	ASSAULT BREACHER VEHICLE.	50,039	50,039
010	M88 FOV MODS	29,930	29,930
011	M1 ABRAMS TANK (MOD)	129,090	129,090
012	ABRAMS UPGRADE PROGRAM.	74,433	74,433
012A	ADVANCE PROCUREMENT (CY).		91,000
	Advanced procurement Abrams upgrade program.		[91,000]
	SUPPORT EQUIPMENT & FACILITIES		
013	PRODUCTION BASE SUPPORT (TCV-WTCV).	1,145	1,145
	WEAPONS & OTHER COMBAT VEHICLES		
014	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY.	506	506
015	M240 MEDIUM MACHINE GUN (7.62MM).	0	0
016	MACHINE GUN, CAL .50 M2 ROLL.	0	0
017	LIGHTWEIGHT .50 CALIBER MACHINE GUN.	25,183	0
	Program termination		[–25,183]
018	MK–19 GRENADE MACHINE GUN (40MM).	0	0
019	MORTAR SYSTEMS	8,104	8,104
020	M107, CAL. 50, SNIPER RIFLE.	0	0
021	XM320 GRENADE LAUNCHER MODULE (GLM).	14,096	14,096
022	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS).	0	0
023	M4 CARBINE	0	0
024	CARBINE	21,272	21,272
025	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS).	6,598	6,598
026	COMMON REMOTELY OPERATED WEAPONS STATION.	56,725	56,725
027	HOWITZER LT WT 155MM (T).	13,827	13,827
	MOD OF WEAPONS AND OTHER COMBAT VEH		
028	MK–19 GRENADE MACHINE GUN MODS.	0	0
029	M777 MODS	26,843	26,843
030	M4 CARBINE MODS	27,243	27,243
031	M2 50 CAL MACHINE GUN MODS.	39,974	39,974
032	M249 SAW MACHINE GUN MODS.	4,996	4,996
033	M240 MEDIUM MACHINE GUN MODS.	6,806	6,806
034	SNIPER RIFLES MODIFICATIONS.	14,113	14,113
035	M119 MODIFICATIONS	20,727	20,727
036	M16 RIFLE MODS	3,306	3,306
037	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV).	3,072	3,072
	SUPPORT EQUIPMENT & FACILITIES		
038	ITEMS LESS THAN $5 MILLION (WOCV-WTCV).	2,026	2,026
039	PRODUCTION BASE SUPPORT (WOCV-WTCV).	10,115	10,115
040	INDUSTRIAL PREPAREDNESS.	442	442
	SUPPORT EQUIPMENT & FACILITIES		
041	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG).	2,378	2,378
	SPARES		
042	SPARES AND REPAIR PARTS (WTCV).	31,217	31,217
	TOTAL, PROCUREMENT OF W&TCV, ARMY.	**1,501,706**	**1,690,523**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	158,313	158,313
002	CTG, 7.62MM, ALL TYPES	91,438	91,438
003	CTG, HANDGUN, ALL TYPES.	8,954	8,954
004	CTG, .50 CAL, ALL TYPES	109,604	109,604
005	CTG, 20MM, ALL TYPES	4,041	4,041
006	CTG, 25MM, ALL TYPES	12,654	12,654
007	CTG, 30MM, ALL TYPES	72,154	35,154
	Decrease for excess		[–37,000]
008	CTG, 40MM, ALL TYPES	60,138	0
	Decrease for excess		[–60,138]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES.	44,375	44,375
010	81MM MORTAR, ALL TYPES.	27,471	27,471
011	120MM MORTAR, ALL TYPES.	87,811	87,811
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES.	112,380	112,380
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP.	50,861	50,861
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES.	26,227	26,227
015	PROJ 155MM EXTENDED RANGE XM982.	110,329	55,329
	Excalibur I-b round schedule delay.		[–55,000]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL.	43,924	43,924
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES.	3,775	3,775
	NETWORKED MUNITIONS		
018	SPIDER NETWORK MUNITIONS, ALL TYPES.	17,408	3,108
	Program decrease		[–14,300]
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES.	1,005	1,005
020	ROCKET, HYDRA 70, ALL TYPES.	123,433	123,433
	OTHER AMMUNITION		
021	DEMOLITION MUNITIONS, ALL TYPES.	35,189	35,189
022	GRENADES, ALL TYPES	33,477	33,477
023	SIGNALS, ALL TYPES	9,991	9,991
024	SIMULATORS, ALL TYPES	10,388	10,388
	MISCELLANEOUS		
025	AMMO COMPONENTS, ALL TYPES.	19,383	19,383
026	NON-LETHAL AMMUNITION, ALL TYPES.	7,336	7,336
027	CAD/PAD ALL TYPES	6,641	6,641
028	ITEMS LESS THAN $5 MILLION.	15,092	15,092
029	AMMUNITION PECULIAR EQUIPMENT.	15,692	15,692
030	FIRST DESTINATION TRANSPORTATION (AMMO).	14,107	14,107
031	CLOSEOUT LIABILITIES	106	106
	PRODUCTION BASE SUPPORT		
032	PROVISION OF INDUSTRIAL FACILITIES.	220,171	220,171
033	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL.	182,461	182,461
034	ARMS INITIATIVE	3,377	3,377
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY.	**1,739,706**	**1,573,268**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	SEMITRAILERS, FLATBED	7,097	7,097
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV).	346,115	396,115
	Program increase for USAR.		[50,000]
003	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP.	19,292	19,292
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV).	52,933	52,933
005	PLS ESP	18,035	18,035
006	ARMORED SECURITY VEHICLES (ASV).	0	0
007	MINE PROTECTION VEHICLE FAMILY.	0	0
008	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP).	0	0
009	TRUCK, TRACTOR, LINE HAUL, M915/M916.	3,619	3,619
010	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV.	26,859	26,859
011	HMMWV RECAPITALIZATION PROGRAM.	0	0
012	TACTICAL WHEELED VEHICLE PROTECTION KITS.	69,163	69,163
013	MODIFICATION OF IN SVC EQUIP.	91,754	91,754
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS.	0	0
015	TOWING DEVICE-FIFTH WHEEL.	0	0
016	AMC CRITICAL ITEMS, OPA1.	0	0
	NON-TACTICAL VEHICLES		
017	HEAVY ARMORED SEDAN	0	0
018	PASSENGER CARRYING VEHICLES.	2,548	2,548
019	NONTACTICAL VEHICLES, OTHER.	16,791	16,791

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	COMM—JOINT COMMUNICATIONS		
020	JOINT COMBAT IDENTIFICATION MARKING SYSTEM.	10,061	10,061
021	WIN-T—GROUND FORCES TACTICAL NETWORK.	892,635	892,635
022	SIGNAL MODERNIZATION PROGRAM.	45,626	45,626
023	JCSE EQUIPMENT (USREDCOM).	5,143	5,143
	COMM—SATELLITE COMMUNICATIONS		
024	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS.	151,636	151,636
025	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.	6,822	6,822
026	SHF TERM	9,108	9,108
027	SAT TERM, EMUT (SPACE)	0	0
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE).	27,353	27,353
029	SMART-T (SPACE)	98,656	98,656
030	SCAMP (SPACE)	0	0
031	GLOBAL BRDCST SVC—GBS.	47,131	47,131
032	MOD OF IN-SVC EQUIP (TAC SAT).	23,281	23,281
	COMM—COMBAT SUPPORT COMM		
033	MOD-IN-SERVICE PROFILER.	0	0
	COMM—C3 SYSTEM		
034	ARMY GLOBAL CMD & CONTROL SYS (AGCCS).	10,848	10,848
	COMM—COMBAT COMMUNICATIONS		
035	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO).	979	979
036	JOINT TACTICAL RADIO SYSTEM.	556,250	526,250
	AMF integration ahead of need.		[–30,000]
037	MID-TIER NETWORKING VEHICULAR RADIO (MNVR).	86,219	86,219
038	RADIO TERMINAL SET, MIDS LVT(2).	7,798	7,798
039	SINCGARS FAMILY	9,001	9,001
040	AMC CRITICAL ITEMS—OPA2.	24,601	24,601
041	TRACTOR DESK	7,779	7,779
042	CMMS-ELEC EQUIP FIELDING.	0	0
043	SPIDER APLA REMOTE CONTROL UNIT.	34,365	13,365
	Funding ahead of need.		[–21,000]
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS.	1,833	1,833
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM.	12,984	12,984
046	COMBAT SURVIVOR EVADER LOCATOR (CSEL).	0	0
047	GUNSHOT DETECTION SYSTEM (GDS).	2,332	2,332
048	RADIO, IMPROVED HF (COTS) FAMILY.	1,132	1,132
049	MEDICAL COMM FOR CBT CASUALTY CARE (MC4).	22,899	22,899
	COMM—INTELLIGENCE COMM		
051	CI AUTOMATION ARCHITECTURE.	1,564	1,564
052	RESERVE CA/MISO GPF EQUIPMENT.	28,781	28,781
	INFORMATION SECURITY		
053	TSEC—ARMY KEY MGT SYS (AKMS).	23,432	23,432
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP.	43,897	43,897
055	BIOMETRICS ENTERPRISE	0	0
	COMM—LONG HAUL COMMUNICATIONS		
056	TERRESTRIAL TRANSMISSION.	2,891	2,891
057	BASE SUPPORT COMMUNICATIONS.	13,872	13,872
058	WW TECH CON IMP PROG (WWTCIP).	9,595	9,595
	COMM—BASE COMMUNICATIONS		
059	INFORMATION SYSTEMS	142,133	142,133
060	DEFENSE MESSAGE SYSTEM (DMS).	0	0
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM.	57,727	57,727
062	PENTAGON INFORMATION MGT AND TELECOM.	5,000	5,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
065	JTT/CIBS-M	1,641	1,641
066	PROPHET GROUND	48,797	48,797
067	DIGITAL TOPOGRAPHIC SPT SYS (DTSS).	0	0
068	DRUG INTERDICTION PROGRAM (DIP) (TIARA).	0	0
069	DCGS-A (MIP)	184,007	184,007
070	JOINT TACTICAL GROUND STATION (JTAGS).	2,680	2,680
071	TROJAN (MIP)	21,483	21,483
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP).	2,412	2,412
073	CI HUMINT AUTO REPRINTING AND COLLECTION.	7,077	7,077
074	ITEMS LESS THAN $5 MILLION (MIP).	0	0
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
075	LIGHTWEIGHT COUNTER MORTAR RADAR.	72,594	72,594
076	CREW	15,446	15,446
077	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES.	0	0
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES.	1,470	1,470
079	CI MODERNIZATION	1,368	1,368
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
080	FAAD GBS	7,980	7,980
081	SENTINEL MODS	33,444	33,444
082	SENSE THROUGH THE WALL (STTW).	6,212	0
	Slow execution of prior years appropriations.		[–6,212]
083	NIGHT VISION DEVICES	166,516	166,516
084	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM.	0	0
085	NIGHT VISION, THERMAL WPN SIGHT.	82,162	82,162
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF.	20,717	20,717
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM).	0	0
088	BASE EXPEDITIARY TARGETING AND SURV SYS.	0	0
089	GREEN LASER INTERDICTION SYSTEM (GLIS).	1,014	1,014
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS.	29,881	29,881
091	PROFILER	12,482	12,482
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS).	3,075	3,075
093	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2).	0	0
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P).	141,385	141,385
095	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER.	0	0
096	MOD OF IN-SVC EQUIP (LLDR).	22,403	22,403
097	COMPUTER BALLISTICS: LHMBC XM32.	0	0
098	MORTAR FIRE CONTROL SYSTEM.	29,505	29,505
099	COUNTERFIRE RADARS	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD).	2,426	2,426
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
101	TACTICAL OPERATIONS CENTERS.	30,196	30,196
102	FIRE SUPPORT C2 FAMILY	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM.	8,111	8,111
104	FAAD C2	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS.	64,144	64,144
106	KNIGHT FAMILY	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS).	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY.	14,377	14,377
109	TC AIMS II	0	0
110	TACTICAL INTERNET MANAGER.	0	0
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE.	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS).	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE).	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET.	15,209	15,209
	ELECT EQUIP—AUTOMATION		
115	ARMY TRAINING MODERNIZATION.	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP.	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM.	9,184	9,184
118	CSS COMMUNICATIONS	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS).	35,493	35,493
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
120	ITEMS LESS THAN $5 MILLION (A/V).	8,467	8,467
121	ITEMS LESS THAN $5 MILLION.	5,309	5,309
	ELECT EQUIP—SUPPORT		
122	PRODUCTION BASE SUPPORT (C-E).	586	586
123	BCT NETWORK	0	0
124	DEFENSE RAPID INNOVATION PROGRAM.	0	0
	CLASSIFIED PROGRAMS		
124A	CLASSIFIED PROGRAMS	3,435	3,435

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Line	Item	FY 2013 Request	Senate Authorized
	CHEMICAL DEFENSIVE EQUIPMENT		
125	PROTECTIVE SYSTEMS	0	0
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE).	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS).	4,374	4,374
128	CBRN SOLDIER PROTECTION.	9,259	9,259
129	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM).	0	0
	BRIDGING EQUIPMENT		
130	TACTICAL BRIDGING	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON.	32,893	32,893
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
132	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST.	0	0
133	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS).	0	0
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS).	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).	25,459	25,459
136	REMOTE DEMOLITION SYSTEMS.	8,044	8,044
137	<$5M, COUNTERMINE EQUIPMENT.	3,698	3,698
	COMBAT SERVICE SUPPORT EQUIPMENT		
138	HEATERS AND ECU'S	12,210	12,210
139	SOLDIER ENHANCEMENT	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS).	11,222	11,222
141	GROUND SOLDIER SYSTEM.	103,317	103,317
142	MOUNTED SOLDIER SYSTEM.	0	0
143	FORCE PROVIDER	0	0
144	FIELD FEEDING EQUIPMENT.	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM.	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS.	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS.	31,573	31,573
148	ITEMS LESS THAN $5 MILLION.	14,093	14,093
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER.	36,266	36,266
	MEDICAL EQUIPMENT		
150	COMBAT SUPPORT MEDICAL.	34,101	34,101
151	MEDEVAC MISSON EQUIPMENT PACKAGE (MEP).	20,540	20,540
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS.	2,495	2,495
153	ITEMS LESS THAN $5 MILLION (MAINT EQ).	0	0
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE).	2,028	2,028
155	SKID STEER LOADER (SSL) FAMILY OF SYSTEM.	0	0
156	SCRAPERS, EARTHMOVING.	6,146	6,146
157	MISSION MODULES—ENGINEERING.	31,200	31,200
158	COMPACTOR	0	0
159	LOADERS	0	0
160	HYDRAULIC EXCAVATOR ..	0	0
161	TRACTOR, FULL TRACKED	20,867	20,867
162	ALL TERRAIN CRANES	4,003	4,003
163	PLANT, ASPHALT MIXING	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE).	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA.	13,725	13,725
166	CONST EQUIP ESP	13,351	13,351
167	ITEMS LESS THAN $5 MILLION (CONST EQUIP).	9,134	9,134
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
168	JOINT HIGH SPEED VESSEL (JHSV).	0	0
169	HARBORMASTER COMMAND AND CONTROL CENTER.	0	0
170	ITEMS LESS THAN $5 MILLION (FLOAT/RAIL).	10,552	10,552
	GENERATORS		
171	GENERATORS AND ASSOCIATED EQUIP.	60,302	60,302
	MATERIAL HANDLING EQUIPMENT		
172	ROUGH TERRAIN CONTAINER HANDLER (RTCH).	0	0
173	FAMILY OF FORKLIFTS	5,895	5,895
174	ALL TERRAIN LIFTING ARMY SYSTEM.	0	0
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT.	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM.	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER.	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER.	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING.	4,056	4,056
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
180	CALIBRATION SETS EQUIPMENT.	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE).	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD).	24,334	24,334
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT.	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3).	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT.	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3).	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH).	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING.	12,920	12,920
189	AMC CRITICAL ITEMS OPA3.	19,180	19,180
190	TRACTOR YARD	7,368	7,368
191	UNMANNED GROUND VEHICLE.	83,937	71,937
	Transfer to PE 0604641A at Army request.		[–12,000]
192	TRAINING LOGISTICS MANAGEMENT.	0	0
	OPA2		
193	INITIAL SPARES—C&E	64,507	64,507
	TOTAL, OTHER PROCUREMENT, ARMY.	**6,326,245**	**6,307,033**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	0	0
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	0	0
	FORCE TRAINING		
003	TRAIN THE FORCE	0	0
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	227,414	0
	Transfer to OCO		[–227,414]
	TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND.	**227,414**	**0**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	EA–18G	1,027,443	1,027,443
002	ADVANCE PROCUREMENT (CY).	0	0
003	F/A–18E/F (FIGHTER) HORNET.	2,035,131	2,035,131
004	ADVANCE PROCUREMENT (CY).	30,296	90,296
	Retain option for additional FY 14 aircraft.		[60,000]
005	JOINT STRIKE FIGHTER CV	1,007,632	1,007,632
006	ADVANCE PROCUREMENT (CY).	65,180	65,180
007	JSF STOVL	1,404,737	1,404,737
008	ADVANCE PROCUREMENT (CY).	106,199	106,199
009	V–22 (MEDIUM LIFT)	1,303,120	1,303,120
010	ADVANCE PROCUREMENT (CY).	154,202	154,202
011	H–1 UPGRADES (UH–1Y/AH–1Z).	720,933	720,933
012	ADVANCE PROCUREMENT (CY).	69,658	69,658
013	MH–60S (MYP)	384,792	384,792
014	ADVANCE PROCUREMENT (CY).	69,277	69,277
015	MH–60R (MYP)	656,866	656,866
016	ADVANCE PROCUREMENT (CY).	185,896	185,896
017	P–8A POSEIDON	2,420,755	2,420,755
018	ADVANCE PROCUREMENT (CY).	325,679	325,679
019	E–2D ADV HAWKEYE	861,498	861,498
020	ADVANCE PROCUREMENT (CY).	123,179	123,179
	AIRLIFT AIRCRAFT		
021	C–40A	0	0
	TRAINER AIRCRAFT		
022	JPATS	278,884	278,884
	OTHER AIRCRAFT		
023	KC–130J	3,000	3,000
024	ADVANCE PROCUREMENT (CY).	22,995	22,995
025	ADVANCE PROCUREMENT (CY).	51,124	51,124
026	MQ–8 UAV	124,573	124,573
027	STUASL0 UAV	9,593	9,593
	MODIFICATION OF AIRCRAFT		
028	EA–6 SERIES	30,062	30,062
029	AEA SYSTEMS	49,999	49,999
030	AV–8 SERIES	38,703	38,703
031	ADVERSARY	4,289	4,289
032	F–18 SERIES	647,306	647,306
033	H–46 SERIES	2,343	2,343
034	AH–1W SERIES	8,721	8,721
035	H–53 SERIES	45,567	45,567
036	SH–60 SERIES	83,527	83,527
037	H–1 SERIES	6,508	6,508

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Line	Item	FY 2013 Request	Senate Authorized
038	EP–3 SERIES	66,374	66,374
039	P–3 SERIES	148,405	148,405
040	E–2 SERIES	16,322	16,322
041	TRAINER A/C SERIES	34,284	34,284
042	C–2A	4,743	4,743
043	C–130 SERIES	60,302	60,302
044	FEWSG	670	670
045	CARGO/TRANSPORT A/C SERIES.	26,311	26,311
046	E–6 SERIES	158,332	158,332
047	EXECUTIVE HELICOPTERS SERIES.	58,163	58,163
048	SPECIAL PROJECT AIRCRAFT.	12,421	12,421
049	T–45 SERIES	64,488	64,488
050	POWER PLANT CHANGES	21,569	21,569
051	JPATS SERIES	1,552	1,552
052	AVIATION LIFE SUPPORT MODS.	2,473	2,473
053	COMMON ECM EQUIPMENT.	114,690	114,690
054	COMMON AVIONICS CHANGES.	96,183	96,183
055	COMMON DEFENSIVE WEAPON SYSTEM.	0	0
056	ID SYSTEMS	39,846	39,846
057	P–8 SERIES	5,302	5,302
058	MAGTF EW FOR AVIATION	34,127	34,127
059	RQ–7 SERIES	49,324	49,324
060	V–22 (TILT/ROTOR ACFT) OSPREY.	95,856	95,856
	AIRCRAFT SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS.	1,166,430	1,166,430
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT.	387,195	387,195
063	AIRCRAFT INDUSTRIAL FACILITIES.	23,469	23,469
064	WAR CONSUMABLES	43,383	43,383
065	OTHER PRODUCTION CHARGES.	3,399	3,399
066	SPECIAL SUPPORT EQUIPMENT.	32,274	32,274
067	FIRST DESTINATION TRANSPORTATION.	1,742	1,742
068	CANCELLED ACCOUNT ADJUSTMENTS.	0	0
	TOTAL, AIRCRAFT PROCUREMENT, NAVY.	**17,129,296**	**17,189,296**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,224,683	1,224,683
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES.	5,553	5,553
	STRATEGIC MISSILES		
003	TOMAHAWK	308,970	308,970
	TACTICAL MISSILES		
004	AMRAAM	102,683	102,683
005	SIDEWINDER	80,226	80,226
006	JSOW	127,609	127,609
007	STANDARD MISSILE	399,482	399,482
008	RAM	66,769	66,769
009	HELLFIRE	74,501	74,501
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM).	0	0
011	AERIAL TARGETS	61,518	61,518
012	OTHER MISSILE SUPPORT	3,585	3,585
	MODIFICATION OF MISSILES		
013	ESSM	58,194	58,194
014	HARM MODS	86,721	86,721
015	STANDARD MISSILES MODS.	0	0

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Line	Item	FY 2013 Request	Senate Authorized
	SUPPORT EQUIPMENT & FACILITIES		
016	WEAPONS INDUSTRIAL FACILITIES.	2,014	2,014
017	FLEET SATELLITE COMM FOLLOW-ON.	21,454	21,454
	ORDNANCE SUPPORT EQUIPMENT		
018	ORDNANCE SUPPORT EQUIPMENT.	54,945	54,945
	TORPEDOES AND RELATED EQUIP		
019	SSTD	2,700	2,700
020	ASW TARGETS	10,385	10,385
	MOD OF TORPEDOES AND RELATED EQUIP		
021	MK–54 TORPEDO MODS	74,487	74,487
022	MK–48 TORPEDO ADCAP MODS.	54,281	54,281
023	QUICKSTRIKE MINE	6,852	6,852
	SUPPORT EQUIPMENT		
024	TORPEDO SUPPORT EQUIPMENT.	46,402	46,402
025	ASW RANGE SUPPORT	11,927	11,927
	DESTINATION TRANSPORTATION		
026	FIRST DESTINATION TRANSPORTATION.	3,614	3,614
	GUNS AND GUN MOUNTS		
027	SMALL ARMS AND WEAPONS.	12,594	12,594
	MODIFICATION OF GUNS AND GUN MOUNTS		
028	CIWS MODS	59,303	67,003
	Buy additional ordnance alteration kits.		[7,700]
029	COAST GUARD WEAPONS	19,072	19,072
030	GUN MOUNT MODS	54,706	54,706
031	CRUISER MODERNIZATION WEAPONS.	1,591	1,591
032	AIRBORNE MINE NEUTRALIZATION SYSTEMS.	20,607	20,607
	OTHER		
033	CANCELLED ACCOUNT ADJUSTMENTS.	0	0
	SPARES AND REPAIR PARTS		
034	SPARES AND REPAIR PARTS.	60,150	60,150
	TOTAL, WEAPONS PROCUREMENT, NAVY.	**3,117,578**	**3,125,278**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS.	27,024	27,024
002	AIRBORNE ROCKETS, ALL TYPES.	56,575	56,575
003	MACHINE GUN AMMUNITION.	21,266	21,266
004	PRACTICE BOMBS	34,319	34,319
005	CARTRIDGES & CART ACTUATED DEVICES.	53,755	53,755
006	AIR EXPENDABLE COUNTERMEASURES.	61,693	61,693
007	JATOS	2,776	2,776
008	LRLAP 6″ LONG RANGE ATTACK PROJECTILE.	7,102	7,102
009	5 INCH/54 GUN AMMUNITION.	48,320	48,320
010	INTERMEDIATE CALIBER GUN AMMUNITION.	25,544	25,544
011	OTHER SHIP GUN AMMUNITION.	41,624	41,624
012	SMALL ARMS & LANDING PARTY AMMO.	65,893	65,893
013	PYROTECHNIC AND DEMOLITION.	11,176	11,176
014	AMMUNITION LESS THAN $5 MILLION.	4,116	4,116

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(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION.	83,733	83,733
016	LINEAR CHARGES, ALL TYPES.	24,645	24,645
017	40MM, ALL TYPES	16,201	16,201
018	60MM, ALL TYPES	0	0
019	81MM, ALL TYPES	13,711	3,711
	Decrease for excess		[–10,000]
020	120MM, ALL TYPES	12,557	12,557
021	CTG 25MM, ALL TYPES	0	0
022	GRENADES, ALL TYPES	7,634	7,134
	Decrease for excess		[–500]
023	ROCKETS, ALL TYPES	27,528	27,528
024	ARTILLERY, ALL TYPES	93,065	93,065
025	DEMOLITION MUNITIONS, ALL TYPES.	2,047	47
	Decrease for excess		[–2,000]
026	FUZE, ALL TYPES	5,297	5,297
027	NON LETHALS	1,362	1,362
028	AMMO MODERNIZATION	4,566	4,566
029	ITEMS LESS THAN $5 MILLION.	6,010	6,010
	PRIOR YEAR SAVINGS		
029B	PRIOR YEAR SAVINGS		–88,300
	Ammunition change in requirements.		[–88,300]
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC.	**759,539**	**658,739**
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
001	CARRIER REPLACEMENT PROGRAM.	608,195	608,195
002	ADVANCE PROCUREMENT (CY).	0	0
003	VIRGINIA CLASS SUBMARINE.	3,217,601	3,217,601
004	ADVANCE PROCUREMENT (CY).	874,878	1,652,557
	Advance procurement for 2nd SSN in FY 14.		[777,679]
005	CVN REFUELING OVERHAULS.	1,613,392	1,613,392
006	ADVANCE PROCUREMENT (CY).	70,010	70,010
007	SSBN ERO	0	0
008	DDG 1000	669,222	669,222
009	DDG–51	3,048,658	3,048,658
010	ADVANCE PROCUREMENT (CY).	466,283	466,283
011	LITTORAL COMBAT SHIP	1,784,959	1,784,959
012	ADVANCE PROCUREMENT (CY).	0	0
	AMPHIBIOUS SHIPS		
013	LPD–17	0	0
014	LHA REPLACEMENT	0	0
015	JOINT HIGH SPEED VESSEL.	189,196	189,196
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
016	OCEANOGRAPHIC SHIPS	0	0
017	ADVANCE PROCUREMENT (CY).	307,300	307,300
018	OUTFITTING	309,648	309,648
019	SERVICE CRAFT	0	0
020	LCAC SLEP	47,930	47,930
021	COMPLETION OF PY SHIPBUILDING PROGRAMS.	372,573	372,573
	TOTAL, SHIPBUILDING & CONVERSION, NAVY.	**13,579,845**	**14,357,524**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	LM–2500 GAS TURBINE	10,658	10,658

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Line	Item	FY 2013 Request	Senate Authorized
002	ALLISON 501K GAS TURBINE.	8,469	8,469
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT.	23,392	23,392
	PERISCOPES		
004	SUB PERISCOPES & IMAGING EQUIP.	53,809	53,809
	OTHER SHIPBOARD EQUIPMENT		
005	DDG MOD	452,371	452,371
006	FIREFIGHTING EQUIPMENT	16,958	16,958
007	COMMAND AND CONTROL SWITCHBOARD.	2,492	2,492
008	POLLUTION CONTROL EQUIPMENT.	20,707	20,707
009	SUBMARINE SUPPORT EQUIPMENT.	12,046	12,046
010	VIRGINIA CLASS SUPPORT EQUIPMENT.	79,870	79,870
011	LCS CLASS SUPPORT EQUIPMENT.	19,865	19,865
012	SUBMARINE BATTERIES	41,522	41,522
013	LPD CLASS SUPPORT EQUIPMENT.	30,543	30,543
014	STRATEGIC PLATFORM SUPPORT EQUIP.	16,257	16,257
015	DSSP EQUIPMENT	3,630	3,630
016	CG MODERNIZATION	101,000	101,000
017	LCAC	16,645	16,645
018	UNDERWATER EOD PROGRAMS.	35,446	35,446
019	ITEMS LESS THAN $5 MILLION.	65,998	65,998
020	CHEMICAL WARFARE DETECTORS.	4,359	4,359
021	SUBMARINE LIFE SUPPORT SYSTEM.	10,218	10,218
	REACTOR PLANT EQUIPMENT		
022	REACTOR POWER UNITS	286,859	286,859
023	REACTOR COMPONENTS	278,503	278,503
	OCEAN ENGINEERING		
024	DIVING AND SALVAGE EQUIPMENT.	8,998	8,998
	SMALL BOATS		
025	STANDARD BOATS	30,131	30,131
	TRAINING EQUIPMENT		
026	OTHER SHIPS TRAINING EQUIPMENT.	29,772	29,772
	PRODUCTION FACILITIES EQUIPMENT		
027	OPERATING FORCES IPE	64,346	64,346
	OTHER SHIP SUPPORT		
028	NUCLEAR ALTERATIONS	154,652	154,652
029	LCS COMMON MISSION MODULES EQUIPMENT.	31,319	31,319
030	LCS MCM MISSION MODULES.	38,392	38,392
031	LCS SUW MISSION MODULES.	32,897	32,897
	LOGISTIC SUPPORT		
032	LSD MIDLIFE	49,758	49,758
	SHIP RADARS		
033	RADAR SUPPORT	0	0
034	SPQ–9B RADAR	19,777	19,777
035	AN/SQQ–89 SURF ASW COMBAT SYSTEM.	89,201	89,201
036	SSN ACOUSTICS	190,874	190,874
037	UNDERSEA WARFARE SUPPORT EQUIPMENT.	17,035	17,035
038	SONAR SWITCHES AND TRANSDUCERS.	13,410	13,410
039	ELECTRONIC WARFARE MILDEC.	0	0
	ASW ELECTRONIC EQUIPMENT		
040	SUBMARINE ACOUSTIC WARFARE SYSTEM.	21,489	21,489
041	SSTD	10,716	10,716
042	FIXED SURVEILLANCE SYSTEM.	98,896	98,896
043	SURTASS	2,774	2,774
044	MARITIME PATROL AND RECONNAISSANCE FORCE.	18,428	18,428
	ELECTRONIC WARFARE EQUIPMENT		
045	AN/SLQ–32	92,270	92,270
	RECONNAISSANCE EQUIPMENT		
046	SHIPBOARD IW EXPLOIT	107,060	107,060
047	AUTOMATED IDENTIFICATION SYSTEM (AIS).	914	914
	SUBMARINE SURVEILLANCE EQUIPMENT		
048	SUBMARINE SUPPORT EQUIPMENT PROG.	34,050	34,050
	OTHER SHIP ELECTRONIC EQUIPMENT		
049	COOPERATIVE ENGAGEMENT CAPABILITY.	27,881	27,881
050	TRUSTED INFORMATION SYSTEM (TIS).	448	448
051	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS).	35,732	35,732
052	ATDLS	0	0
053	NAVY COMMAND AND CONTROL SYSTEM (NCCS).	9,533	9,533
054	MINESWEEPING SYSTEM REPLACEMENT.	60,111	60,111
055	SHALLOW WATER MCM	6,950	6,950
056	NAVSTAR GPS RECEIVERS (SPACE).	9,089	9,089
057	AMERICAN FORCES RADIO AND TV SERVICE.	7,768	7,768
058	STRATEGIC PLATFORM SUPPORT EQUIP.	3,614	3,614
	TRAINING EQUIPMENT		
059	OTHER TRAINING EQUIPMENT.	42,911	42,911
	AVIATION ELECTRONIC EQUIPMENT		
060	MATCALS	5,861	5,861
061	SHIPBOARD AIR TRAFFIC CONTROL.	8,362	8,362
062	AUTOMATIC CARRIER LANDING SYSTEM.	15,685	15,685
063	NATIONAL AIR SPACE SYSTEM.	16,919	16,919
064	FLEET AIR TRAFFIC CONTROL SYSTEMS.	6,828	6,828
065	LANDING SYSTEMS	7,646	7,646
066	ID SYSTEMS	35,474	35,474
067	NAVAL MISSION PLANNING SYSTEMS.	9,958	9,958
	OTHER SHORE ELECTRONIC EQUIPMENT		
068	DEPLOYABLE JOINT COMMAND AND CONT.	9,064	9,064
069	MARITIME INTEGRATED BROADCAST SYSTEM.	16,026	16,026
070	TACTICAL/MOBILE C4I SYSTEMS.	11,886	11,886
071	DCGS-N	11,887	11,887
072	CANES	341,398	341,398
073	RADIAC	8,083	8,083
074	CANES-INTELL	79,427	79,427
075	GPETE	6,083	6,083
076	INTEG COMBAT SYSTEM TEST FACILITY.	4,495	4,495
077	EMI CONTROL INSTRUMENTATION.	4,767	4,767
078	ITEMS LESS THAN $5 MILLION.	81,755	81,755
	SHIPBOARD COMMUNICATIONS		
079	SHIPBOARD TACTICAL COMMUNICATIONS.	0	0
080	SHIP COMMUNICATIONS AUTOMATION.	56,870	56,870
081	MARITIME DOMAIN AWARENESS (MDA).	1,063	1,063
082	COMMUNICATIONS ITEMS UNDER $5M.	28,522	28,522
083	SUBMARINE BROADCAST SUPPORT.	4,183	4,183
084	SUBMARINE COMMUNICATION EQUIPMENT.	69,025	69,025
	SATELLITE COMMUNICATIONS		
085	SATELLITE COMMUNICATIONS SYSTEMS.	49,294	49,294
086	NAVY MULTIBAND TERMINAL (NMT).	184,825	184,825
	SHORE COMMUNICATIONS		
087	JCS COMMUNICATIONS EQUIPMENT.	2,180	2,180
088	ELECTRICAL POWER SYSTEMS.	1,354	1,354
089	NAVAL SHORE COMMUNICATIONS.	0	0
	CRYPTOGRAPHIC EQUIPMENT		
090	INFO SYSTEMS SECURITY PROGRAM (ISSP).	144,104	144,104
	CRYPTOLOGIC EQUIPMENT		
091	CRYPTOLOGIC COMMUNICATIONS EQUIP.	12,604	12,604
	OTHER ELECTRONIC SUPPORT		
092	COAST GUARD EQUIPMENT.	6,680	6,680
093	DEFENSE RAPID INNOVATION PROGRAM.	0	0
	DRUG INTERDICTION SUPPORT		
094	OTHER DRUG INTERDICTION SUPPORT.	0	0
	SONOBUOYS		
095	SONOBUOYS—ALL TYPES	104,677	104,677
	AIRCRAFT SUPPORT EQUIPMENT		
096	WEAPONS RANGE SUPPORT EQUIPMENT.	70,753	70,753
097	EXPEDITIONARY AIRFIELDS.	8,678	8,678
098	AIRCRAFT REARMING EQUIPMENT.	11,349	11,349
099	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT.	82,618	82,618
100	METEOROLOGICAL EQUIPMENT.	18,339	18,339
101	DCRS/DPL	1,414	1,414
102	AVIATION LIFE SUPPORT	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES.	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT.	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS.	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT.	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS).	3,826	3,826
	SHIP GUN SYSTEM EQUIPMENT		
108	NAVAL FIRES CONTROL SYSTEM.	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT.	4,528	4,528
	SHIP MISSILE SYSTEMS EQUIPMENT		
110	NATO SEASPARROW	8,960	8,960
111	RAM GMLS	1,185	1,185
112	SHIP SELF DEFENSE SYSTEM.	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT.	81,614	81,614
114	TOMAHAWK SUPPORT EQUIPMENT.	77,767	77,767
115	VERTICAL LAUNCH SYSTEMS.	754	754

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Line	Item	FY 2013 Request	Senate Authorized
116	MARITIME INTEGRATED PLANNING SYSTEM—MIPS.	4,965	4,965
	FBM SUPPORT EQUIPMENT		
117	STRATEGIC MISSILE SYSTEMS EQUIP.	181,049	181,049
118	SSN COMBAT CONTROL SYSTEMS.	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT.	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT.	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT.	47,930	47,930
	OTHER ORDNANCE SUPPORT EQUIPMENT		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP.	3,579	3,579
123	ITEMS LESS THAN $5 MILLION.	3,125	3,125
	OTHER EXPENDABLE ORDNANCE		
124	ANTI-SHIP MISSILE DECOY SYSTEM.	31,743	31,743
125	SURFACE TRAINING DEVICE MODS.	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS.	23,450	23,450
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES.	7,158	7,158
128	GENERAL PURPOSE TRUCKS.	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP.	8,692	8,692
130	FIRE FIGHTING EQUIPMENT.	14,533	14,533
131	TACTICAL VEHICLES	15,330	15,330
132	AMPHIBIOUS EQUIPMENT	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT.	7,265	7,265
134	ITEMS UNDER $5 MILLION.	15,252	15,252
135	PHYSICAL SECURITY VEHICLES.	1,161	1,161
	SUPPLY SUPPORT EQUIPMENT		
136	MATERIALS HANDLING EQUIPMENT.	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT.	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION.	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS.	34,804	34,804
	TRAINING DEVICES		
140	TRAINING SUPPORT EQUIPMENT.	25,444	25,444
	COMMAND SUPPORT EQUIPMENT		
141	COMMAND SUPPORT EQUIPMENT.	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT.	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT.	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT.	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT.	15,696	15,696
149	C4ISR EQUIPMENT	4,344	4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT.	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT.	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY.	183,995	183,995
	CLASSIFIED PROGRAMS		
152A	CLASSIFIED PROGRAMS	13,063	13,063
	SPARES AND REPAIR PARTS		
153	SPARES AND REPAIR PARTS.	250,718	250,718
	TOTAL, OTHER PROCUREMENT, NAVY.	**6,169,378**	**6,169,378**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	16,089	16,089
002	LAV PIP	186,216	46,216
	LAV procurement acquisition objective change.		[–140,000]
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM.	2,502	2,502
004	155MM LIGHTWEIGHT TOWED HOWITZER.	17,913	17,913
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM.	47,999	47,999
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION.	17,706	17,706
	OTHER SUPPORT		
007	MODIFICATION KITS	48,040	48,040
008	WEAPONS ENHANCEMENT PROGRAM.	4,537	4,537
	GUIDED MISSILES		
009	GROUND BASED AIR DEFENSE.	11,054	11,054
010	JAVELIN	0	0
011	FOLLOW ON TO SMAW	19,650	19,650
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H).	20,708	20,708
	OTHER SUPPORT		
013	MODIFICATION KITS	0	0
	COMMAND AND CONTROL SYSTEMS		
014	UNIT OPERATIONS CENTER.	1,420	1,420
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT.	25,127	25,127
	OTHER SUPPORT (TEL)		
016	COMBAT SUPPORT SYSTEM.	25,822	25,822
017	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
018	ITEMS UNDER $5 MILLION (COMM & ELEC).	5,498	5,498
019	AIR OPERATIONS C2 SYSTEMS.	11,290	11,290
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	128,079	128,079
021	RQ–21 UAS	27,619	27,619
	INTELL/COMM EQUIPMENT (NON-TEL)		
022	FIRE SUPPORT SYSTEM	7,319	7,319
023	INTELLIGENCE SUPPORT EQUIPMENT.	7,466	7,466
025	RQ–11 UAV	2,318	2,318
026	DCGS-MC	18,291	18,291
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
029	NIGHT VISION EQUIPMENT	48,084	48,084
	OTHER SUPPORT (NON-TEL)		
030	COMMON COMPUTER RESOURCES.	206,708	206,708
031	COMMAND POST SYSTEMS.	35,190	35,190
032	RADIO SYSTEMS	89,059	89,059
033	COMM SWITCHING & CONTROL SYSTEMS.	22,500	22,500
034	COMM & ELEC INFRASTRUCTURE SUPPORT.	42,625	42,625
	CLASSIFIED PROGRAMS		
035A	CLASSIFIED PROGRAMS	2,290	2,290
	ADMINISTRATIVE VEHICLES		
035	COMMERCIAL PASSENGER VEHICLES.	2,877	2,877
036	COMMERCIAL CARGO VEHICLES.	13,960	13,960
	TACTICAL VEHICLES		
037	5/4T TRUCK HMMWV (MYP).	8,052	8,052
038	MOTOR TRANSPORT MODIFICATIONS.	50,269	50,269
039	MEDIUM TACTICAL VEHICLE REPLACEMENT.	0	0
040	LOGISTICS VEHICLE SYSTEM REP.	37,262	37,262
041	FAMILY OF TACTICAL TRAILERS.	48,160	48,160
042	TRAILERS	0	0
	OTHER SUPPORT		
043	ITEMS LESS THAN $5 MILLION.	6,705	6,705
	ENGINEER AND OTHER EQUIPMENT		
044	ENVIRONMENTAL CONTROL EQUIP ASSORT.	13,576	13,576
045	BULK LIQUID EQUIPMENT	16,869	16,869
046	TACTICAL FUEL SYSTEMS	19,108	19,108
047	POWER EQUIPMENT ASSORTED.	56,253	56,253
048	AMPHIBIOUS SUPPORT EQUIPMENT.	13,089	13,089
049	EOD SYSTEMS	73,699	73,699
	MATERIALS HANDLING EQUIPMENT		
050	PHYSICAL SECURITY EQUIPMENT.	3,510	3,510
051	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE).	11,490	11,490
052	MATERIAL HANDLING EQUIP.	20,659	20,659
053	FIRST DESTINATION TRANSPORTATION.	132	132
	GENERAL PROPERTY		
054	FIELD MEDICAL EQUIPMENT.	31,068	31,068
055	TRAINING DEVICES	45,895	45,895
056	CONTAINER FAMILY	5,801	5,801
057	FAMILY OF CONSTRUCTION EQUIPMENT.	23,939	23,939
058	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV).	0	0
059	BRIDGE BOATS	0	0
060	RAPID DEPLOYABLE KITCHEN.	8,365	8,365
	OTHER SUPPORT		
061	ITEMS LESS THAN $5 MILLION.	7,077	7,077
	SPARES AND REPAIR PARTS		
062	SPARES AND REPAIR PARTS.	3,190	3,190
	PRIOR YEAR SAVINGS		
062A	PRIOR YEAR SAVINGS		–135,200
	LAV procurement acquisition objective change PY.		[–135,200]
	TOTAL, PROCUREMENT, MARINE CORPS.	**1,622,955**	**1,347,755**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F–35	3,124,302	3,124,302
002	ADVANCE PROCUREMENT (CY).	293,400	293,400
003	F–22A	0	0
004	C–17A (MYP)	0	0
	OTHER AIRLIFT		

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Line	Item	FY 2013 Request	Senate Authorized
005	C–130J	68,373	68,373
006	ADVANCE PROCUREMENT (CY).	0	0
007	HC–130J	152,212	152,212
008	ADVANCE PROCUREMENT (CY).	0	0
009	MC–130J	374,866	374,866
010	ADVANCE PROCUREMENT (CY).	0	0
011	HC/MC–130 RECAP	0	0
012	C–27J	0	0
	UPT TRAINERS		
013	LIGHT MOBILITY AIRCRAFT.	0	0
014	USAFA POWERED FLIGHT PROGRAM.	0	0
	HELICOPTERS		
015	HH–60 LOSS REPLACEMENT/RECAP.	60,596	60,596
016	COMMON VERTICAL LIFT SUPPORT PLATFORM (CVLSP).	0	0
017	CV–22 (MYP)	294,220	294,220
018	ADVANCE PROCUREMENT (CY).	15,000	15,000
	MISSION SUPPORT AIRCRAFT		
019	CIVIL AIR PATROL A/C	2,498	2,498
020	LIGHT ATTACK ARMED RECON ACFT.	0	0
021	RQ–11	0	0
022	STUASL0	0	0
	OTHER AIRCRAFT		
023	INTERIM GATEWAY	0	0
024	TARGET DRONES	129,866	129,866
025	C–37A	0	0
026	RQ–4	75,000	75,000
027	ADVANCE PROCUREMENT (CY).	0	0
028	AC–130J	163,970	163,970
029	ADVANCE PROCUREMENT (CY).	0	0
030	MQ–9	553,530	553,530
031	RQ–4 BLOCK 40 PROC	11,654	11,654
	STRATEGIC AIRCRAFT		
032	B–2A	82,296	82,296
033	B–1B	149,756	149,756
034	B–52	9,781	9,781
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES.	28,800	28,800
	TACTICAL AIRCRAFT		
036	A–10	89,919	89,919
037	F–15	148,378	148,378
038	F–16	6,896	6,896
039	F–22A	283,871	283,871
040	F–35 MODIFICATIONS	147,995	147,995
	AIRLIFT AIRCRAFT		
041	C–5	6,967	6,967
042	ADVANCE PROCUREMENT (CY).	0	0
043	C–5M	944,819	944,819
044	ADVANCE PROCUREMENT (CY).	175,800	175,800
045	C–9C	0	0
046	C–17A	205,079	205,079
047	C–21	199	199
048	C–32A	1,750	1,750
049	C–37A	445	445
050	C–130 AMP	0	0
	TRAINER AIRCRAFT		
051	GLIDER MODS	126	126
052	T–6	15,494	15,494
053	T–1	272	272
054	T–38	20,455	20,455
	OTHER AIRCRAFT		
055	U–2 MODS	0	0
056	U–2 MODS	44,477	44,477
057	KC–10A (ATCA)	46,921	46,921
058	C–12	1,876	1,876
059	MC–12W	17,054	17,054
060	C–20 MODS	243	243
061	VC–25A MOD	11,185	11,185
062	C–40	243	243
063	C–130	67,853	67,853
064	C–130 INTEL	0	0
065	C–130J MODS	70,555	70,555
066	C–135	46,707	46,707
067	COMPASS CALL MODS	50,024	50,024
068	RC–135	165,237	165,237
069	E–3	193,099	193,099
070	E–4	47,616	47,616
071	E–8	59,320	71,320
	Restart production line for the JSTARS re-engining program.		[12,000]
072	H–1	5,449	5,449
073	H–60	26,227	26,227
074	RQ–4 MODS	9,257	9,257
075	HC/MC–130 MODIFICATIONS.	22,326	22,326
076	OTHER AIRCRAFT	18,832	18,832
077	MQ–1 MODS	30,861	30,861
078	MQ–9 MODS	238,360	238,360
079	MQ–9 UAS PAYLOADS	93,461	93,461
080	CV–22 MODS	23,881	23,881
	AIRCRAFT SPARES AND REPAIR PARTS		
081	INITIAL SPARES/REPAIR PARTS.	729,691	729,691
	COMMON SUPPORT EQUIPMENT		
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP.	56,542	56,542
	POST PRODUCTION SUPPORT		
083	A–10	5,100	5,100
084	B–1	965	965
085	B–2A	0	0
086	B–2A	47,580	47,580
087	C–5	0	0
088	KC–10A (ATCA)	13,100	13,100
089	C–17A	181,703	181,703
090	C–130	31,830	31,830
091	C–135	13,434	13,434
092	F–15	2,363	2,363
093	F–16	8,506	8,506
094	HH–60 PPS	0	0
095	T–6	0	0
096	OTHER AIRCRAFT	9,522	9,522
	INDUSTRIAL PREPAREDNESS		
097	INDUSTRIAL RESPONSIVENESS.	20,731	20,731
	WAR CONSUMABLES		
098	WAR CONSUMABLES	89,727	89,727
	OTHER PRODUCTION CHARGES		
099	OTHER PRODUCTION CHARGES.	842,392	842,392
	DARP		
103	U–2	0	0
	CLASSIFIED PROGRAMS		
103A	CLASSIFIED PROGRAMS	20,164	20,164
	PRIOR YEAR SAVINGS		
103B	PRIOR YEAR SAVINGS		–920,748
	Light attack armed reconnaissance (LAAR) cancellation.		[–115,049]
	Light mobiilty aircraft cancellation.		[–65,296]
	Common vertical lift support platform (CVLSP) cancellation.		[–52,800]
	C–130 AMP cancellation.		[–207,163]
	RQ–4 Global Hawk Block 30 cancellation.		[–480,440]
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE.	**11,002,999**	**10,094,251**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC.	56,906	56,906
	TACTICAL		
002	JASSM	240,399	240,399
003	SIDEWINDER (AIM–9X)	88,020	88,020
004	AMRAAM	229,637	229,637
005	PREDATOR HELLFIRE MISSILE.	47,675	47,675
006	SMALL DIAMETER BOMB	42,000	42,000
	INDUSTRIAL FACILITIES		
007	INDUSTR'L PREPAREDNS/POL PREVENTION.	744	744
	CLASS IV		
008	ADVANCED CRUISE MISSILE.	0	0
009	MM III MODIFICATIONS	54,794	54,794
010	AGM–65D MAVERICK	271	271
011	AGM–88A HARM	23,240	23,240
012	AIR LAUNCH CRUISE MISSILE (ALCM).	13,620	13,620
013	SMALL DIAMETER BOMB	5,000	5,000
	MISSILE SPARES AND REPAIR PARTS		
014	INITIAL SPARES/REPAIR PARTS.	74,373	74,373
	SPACE PROGRAMS		
015	ADVANCED EHF	557,205	557,205
016	ADVANCE PROCUREMENT (CY).	0	0
017	WIDEBAND GAPFILLER SATELLITES(SPACE).	36,835	36,835
018	ADVANCE PROCUREMENT (CY).	0	0
019	GPS III SPACE SEGMENT	410,294	410,294
020	ADVANCE PROCUREMENT (CY).	82,616	82,616
021	SPACEBORNE EQUIP (COMSEC).	10,554	10,554
022	GLOBAL POSITIONING (SPACE).	58,147	58,147
023	DEF METEOROLOGICAL SAT PROG(SPACE).	89,022	89,022
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE).	1,679,856	1,679,856
025	SBIR HIGH (SPACE)	454,251	454,251
026	ADVANCE PROCUREMENT (CY).	0	0
	SPECIAL PROGRAMS		
028	DEFENSE SPACE RECONN PROGRAM.	0	0
030	SPECIAL UPDATE PROGRAMS.	138,904	138,904
	CLASSIFIED PROGRAMS		
030A	CLASSIFIED PROGRAMS	1,097,483	1,097,483
	TOTAL, MISSILE PROCUREMENT, AIR FORCE.	**5,491,846**	**5,491,846**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	8,927	8,927
	CARTRIDGES		
002	CARTRIDGES	118,075	118,075
	BOMBS		
003	PRACTICE BOMBS	32,393	32,393
004	GENERAL PURPOSE BOMBS.	163,467	163,467
005	JOINT DIRECT ATTACK MUNITION.	101,921	101,921
	FLARE, IR MJU–7B		
006	CAD/PAD	43,829	43,829
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD).	7,515	7,515
008	SPARES AND REPAIR PARTS.	1,003	1,003
009	MODIFICATIONS	5,321	5,321

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
010	ITEMS LESS THAN $5 MILLION.	5,066	5,066
	FUZES		
011	FLARES	46,010	46,010
012	FUZES	36,444	36,444
	SMALL ARMS		
013	SMALL ARMS	29,223	29,223
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE.	**599,194**	**599,194**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES.	1,905	1,905
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE.	18,547	18,547
003	CAP VEHICLES	932	932
004	ITEMS LESS THAN $5 MILLION.	1,699	1,699
	SPECIAL PURPOSE VEHICLES		
005	SECURITY AND TACTICAL VEHICLES.	10,850	10,850
006	ITEMS LESS THAN $5 MILLION.	9,246	9,246
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES.	23,148	23,148
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN $5 MILLION.	18,323	18,323
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV AND CLEANING EQU.	1,685	1,685
010	ITEMS LESS THAN $5 MILLION.	17,014	17,014
	CANCELLED ACCOUNT ADJUSTMENTS		
011	CANCELLED ACCOUNT ADJUSTMENTS.	0	0
	COMM SECURITY EQUIPMENT(COMSEC)		
012	COMSEC EQUIPMENT	166,559	166,559
013	MODIFICATIONS (COMSEC).	1,133	1,133
	INTELLIGENCE PROGRAMS		
014	INTELLIGENCE TRAINING EQUIPMENT.	2,749	2,749
015	INTELLIGENCE COMM EQUIPMENT.	32,876	32,876
016	ADVANCE TECH SENSORS	877	877
017	MISSION PLANNING SYSTEMS.	15,295	15,295
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS.	21,984	21,984
019	NATIONAL AIRSPACE SYSTEM.	30,698	30,698
020	BATTLE CONTROL SYSTEM—FIXED.	17,368	17,368
021	THEATER AIR CONTROL SYS IMPROVEMENTS.	23,483	23,483
022	WEATHER OBSERVATION FORECAST.	17,864	17,864
023	STRATEGIC COMMAND AND CONTROL.	53,995	53,995
024	CHEYENNE MOUNTAIN COMPLEX.	14,578	14,578
025	TAC SIGINT SPT	208	208
026	DRUG INTERDICTION SPT	0	0
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY.	69,743	69,743
028	AF GLOBAL COMMAND & CONTROL SYS.	15,829	15,829
029	MOBILITY COMMAND AND CONTROL.	11,023	11,023
030	AIR FORCE PHYSICAL SECURITY SYSTEM.	64,521	64,521
031	COMBAT TRAINING RANGES.	18,217	18,217
032	C3 COUNTERMEASURES	11,899	11,899
033	GCSS-AF FOS	13,920	13,920
034	THEATER BATTLE MGT C2 SYSTEM.	9,365	9,365
035	AIR & SPACE OPERATIONS CTR-WPN SYS.	33,907	33,907
	AIR FORCE COMMUNICATIONS		
036	INFORMATION TRANSPORT SYSTEMS.	52,464	52,464
037	BASE INFO INFRASTRUCTURE.	0	0
038	AFNET	125,788	125,788
039	VOICE SYSTEMS	16,811	16,811
040	USCENTCOM	32,138	32,138
	DISA PROGRAMS		
041	SPACE BASED IR SENSOR PGM SPACE.	47,135	47,135
042	NAVSTAR GPS SPACE	2,031	2,031
043	NUDET DETECTION SYS SPACE.	5,564	5,564
044	AF SATELLITE CONTROL NETWORK SPACE.	44,219	44,219
045	SPACELIFT RANGE SYSTEM SPACE.	109,545	109,545
046	MILSATCOM SPACE	47,592	47,592
047	SPACE MODS SPACE	47,121	47,121
048	COUNTERSPACE SYSTEM	20,961	20,961
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT.	126,131	126,131
050	COMBAT SURVIVOR EVADER LOCATER.	23,707	23,707
051	RADIO EQUIPMENT	12,757	12,757
052	CCTV/AUDIOVISUAL EQUIPMENT.	10,716	10,716
053	BASE COMM INFRASTRUCTURE.	74,528	74,528
	MODIFICATIONS		
054	COMM ELECT MODS	43,507	43,507
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	22,693	22,693
056	ITEMS LESS THAN $5 MILLION.	30,887	30,887
	DEPOT PLANT+MTRLS HANDLING EQ		
057	MECHANIZED MATERIAL HANDLING EQUIP.	2,850	2,850
	BASE SUPPORT EQUIPMENT		
058	BASE PROCURED EQUIPMENT.	8,387	8,387
059	CONTINGENCY OPERATIONS.	10,358	10,358
060	PRODUCTIVITY CAPITAL INVESTMENT.	3,473	3,473
061	RAPID IMPROVEMENT PROCUREMENT INOVAT.	0	0
062	MOBILITY EQUIPMENT	14,471	14,471
063	ITEMS LESS THAN $5 MILLION.	1,894	1,894
	SPECIAL SUPPORT PROJECTS		
065	DARP RC135	24,176	24,176
066	DCGS-AF	142,928	142,928
068	SPECIAL UPDATE PROGRAM.	479,446	479,446
069	DEFENSE SPACE RECONNAISSANCE PROG..	39,155	39,155
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	14,331,312	14,331,312
	SPARES AND REPAIR PARTS		
071	SPARES AND REPAIR PARTS.	14,663	14,663
	TOTAL, OTHER PROCUREMENT, AIR FORCE.	**16,720,848**	**16,720,848**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, BTA		
001	MAJOR EQUIPMENT, BTA	0	0
	MAJOR EQUIPMENT, DCAA		
002	ITEMS LESS THAN $5 MILLION.	1,486	1,486
	MAJOR EQUIPMENT, DCMA		
003	MAJOR EQUIPMENT	2,129	2,129
	EQUIPMENT		
004	EQUIPMENT	0	0
	MAJOR EQUIPMENT, DHRA		
005	PERSONNEL ADMINISTRATION.	6,147	6,147
	MAJOR EQUIPMENT, DISA		
012	INFORMATION SYSTEMS SECURITY.	12,708	12,708
013	GLOBAL COMMAND AND CONTROL SYSTEM.	0	0
014	GLOBAL COMBAT SUPPORT SYSTEM.	3,002	3,002
015	TELEPORT PROGRAM	46,992	46,992
016	ITEMS LESS THAN $5 MILLION.	108,462	108,462
017	NET CENTRIC ENTERPRISE SERVICES (NCES).	2,865	2,865
018	DEFENSE INFORMATION SYSTEM NETWORK.	116,906	116,906
019	PUBLIC KEY INFRASTRUCTURE.	1,827	1,827
020	DRUG INTERDICTION SUPPORT.	0	0
021	CYBER SECURITY INITIATIVE.	10,319	10,319
	MAJOR EQUIPMENT, DLA		
022	MAJOR EQUIPMENT	9,575	9,575
	MAJOR EQUIPMENT, DMACT		
023	MAJOR EQUIPMENT	15,179	15,179
	MAJOR EQUIPMENT, DODEA		
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS.	1,458	1,458
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
025	EQUIPMENT	0	0
	MAJOR EQUIPMENT, DSS		
026	MAJOR EQUIPMENT	2,522	2,522
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
027	VEHICLES	50	50
028	OTHER MAJOR EQUIPMENT.	13,096	13,096
	MAJOR EQUIPMENT, DTSA		
029	MAJOR EQUIPMENT	0	0
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
030	THAAD	460,728	560,728
	THAAD Interceptors		[100,000]
031	AEGIS BMD	389,626	389,626
032	BMDS AN/TPY–2 RADARS	217,244	217,244
033	RADAR SPARES	10,177	10,177
034	IRON DOME	0	0
	MAJOR EQUIPMENT, NSA		
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP).	6,770	6,770
	MAJOR EQUIPMENT, OSD		
042	MAJOR EQUIPMENT, OSD	45,938	45,938

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
043	MAJOR EQUIPMENT, INTELLIGENCE.	17,582	17,582
	MAJOR EQUIPMENT, TJS		
044	MAJOR EQUIPMENT, TJS ..	21,878	21,878
	MAJOR EQUIPMENT, WHS		
045	MAJOR EQUIPMENT, WHS	26,550	26,550
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS ..	555,787	555,787
	AVIATION PROGRAMS		
046	ROTARY WING UPGRADES AND SUSTAINMENT.	74,832	74,832
047	MH–47 SERVICE LIFE EXTENSION PROGRAM.	0	0
048	MH–60 MODERNIZATION PROGRAM.	126,780	126,780
049	NON-STANDARD AVIATION	99,776	37,000
	Transfer to Line 51 at USSOCOM request.		[–62,776]
050	TANKER RECAPITALIZATION.	0	0
051	U–28	7,530	116,906
	Transfer from Line 49 at USSOCOM request.		[62,776]
	USSOCOM UFR		[46,600]
052	MH–47 CHINOOK	134,785	134,785
053	RQ–11 UNMANNED AERIAL VEHICLE.	2,062	2,062
054	CV–22 MODIFICATION	139,147	139,147
055	MQ–1 UNMANNED AERIAL VEHICLE.	3,963	26,963
	USSOCOM UFR		[23,000]
056	MQ–9 UNMANNED AERIAL VEHICLE.	3,952	39,352
	USSOCOM UFR		[35,400]
057	RQ–7 UNMANNED AERIAL VEHICLE.	0	0
058	STUASLO	12,945	12,945
059	PRECISION STRIKE PACKAGE.	73,013	73,013
060	AC/MC–130J	51,484	51,484
061	MQ–8 UAV	0	0
062	C–130 MODIFICATIONS ...	25,248	25,248
063	AIRCRAFT SUPPORT	5,314	5,314
	SHIPBUILDING		
064	UNDERWATER SYSTEMS ..	23,037	15,037
	Transfer to RDDW Line 272 at USSOCOM request.		[–8,000]
065	SEAL DELIVERY VEHICLE	0	0
	AMMUNITION PROGRAMS		
066	ORDNANCE REPLENISHMENT.	113,183	113,183
067	ORDNANCE ACQUISITION	36,981	36,981
	OTHER PROCUREMENT PROGRAMS		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS.	99,838	103,738
	USSOCOM UFR		[3,900]
069	INTELLIGENCE SYSTEMS	71,428	71,428
070	SMALL ARMS AND WEAPONS.	27,108	27,108
071	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	12,767	15,967
	USSOCOM UFR		[3,200]
073	MARITIME EQUIPMENT MODIFICATIONS.	0	0
074	COMBATANT CRAFT SYSTEMS.	42,348	42,348
075	SPARES AND REPAIR PARTS.	600	600
077	TACTICAL VEHICLES	37,421	37,421
078	MISSION TRAINING AND PREPARATION SYSTEMS.	36,949	41,949
	USSOCOM UFR		[5,000]
079	COMBAT MISSION REQUIREMENTS.	20,255	20,255
080	MILCON COLLATERAL EQUIPMENT.	17,590	17,590
082	AUTOMATION SYSTEMS ...	66,573	66,573

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
083	GLOBAL VIDEO SURVEILLANCE ACTIVITIES.	6,549	6,549
084	OPERATIONAL ENHANCEMENTS INTELLIGENCE.	32,335	32,335
085	SOLDIER PROTECTION AND SURVIVAL SYSTEMS.	15,153	15,153
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS.	33,920	33,920
087	TACTICAL RADIO SYSTEMS.	75,132	75,132
088	MARITIME EQUIPMENT	0	0
089	DRUG INTERDICTION	0	0
090	MISCELLANEOUS EQUIPMENT.	6,667	6,667
091	OPERATIONAL ENHANCEMENTS.	217,972	243,272
	USSOCOM UFR		[25,300]
092	MILITARY INFORMATION SUPPORT OPERATIONS.	27,417	27,417
	CLASSIFIED PROGRAMS		
092A	CLASSIFIED PROGRAMS ..	0	0
	CBDP		
093	INSTALLATION FORCE PROTECTION.	24,025	24,025
094	INDIVIDUAL PROTECTION	73,720	73,720
095	DECONTAMINATION	506	506
096	JOINT BIO DEFENSE PROGRAM (MEDICAL).	32,597	32,597
097	COLLECTIVE PROTECTION	3,144	3,144
098	CONTAMINATION AVOIDANCE.	164,886	164,886
	TOTAL, PROCUREMENT, DEFENSE-WIDE.	**4,187,935**	**4,422,335**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	ARMY RESERVE		
001	MISCELLANEOUS EQUIPMENT.	0	0
	NAVY RESERVE		
002	MISCELLANEOUS EQUIPMENT.	0	0
	MARINE CORPS RESERVE		
003	MISCELLANEOUS EQUIPMENT.	0	0
	AIR FORCE RESERVE		
004	MISCELLANEOUS EQUIPMENT.	0	0
	ARMY NATIONAL GUARD		
005	MISCELLANEOUS EQUIPMENT.	0	0
	AIR NATIONAL GUARD		
006	MISCELLANEOUS EQUIPMENT.	0	0
	NATIONAL GUARD AIRCRAFT		
007	MISCELLANEOUS EQUIPMENT.	0	0
	TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT.	**0**	**0**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND.	99,477	99,477
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND.	**99,477**	**99,477**
	TOTAL, PROCUREMENT ...	**97,432,379**	**96,959,163**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
009	AH–64 APACHE BLOCK IIIB NEW BUILD.	71,000	0
	Funding ahead of need.		[–71,000]
012	KIOWA WARRIOR (OH–58F) WRA.	183,900	183,900
015	CH–47 HELICOPTER	231,300	231,300
	TOTAL, AIRCRAFT PROCUREMENT, ARMY.	**486,200**	**415,200**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	29,100	29,100
008	GUIDED MLRS ROCKET (GMLRS).	20,553	20,553
	TOTAL, MISSILE PROCUREMENT, ARMY.	**49,653**	**49,653**
	PROCUREMENT OF W&TCV, ARMY		
	MOD OF WEAPONS AND OTHER COMBAT VEH		
036	M16 RIFLE MODS	15,422	15,422
	TOTAL, PROCUREMENT OF W&TCV, ARMY.	**15,422**	**15,422**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
003	CTG, HANDGUN, ALL TYPES.	1,500	1,500
004	CTG, .50 CAL, ALL TYPES	10,000	10,000
007	CTG, 30MM, ALL TYPES ..	80,000	80,000
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES.	14,000	14,000
010	81MM MORTAR, ALL TYPES.	6,000	6,000
011	120MM MORTAR, ALL TYPES.	56,000	56,000
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP.	29,956	29,956
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES.	37,044	37,044
015	PROJ 155MM EXTENDED RANGE XM982.	12,300	12,300
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL.	17,000	17,000
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES.	12,000	12,000
	ROCKETS		
020	ROCKET, HYDRA 70, ALL TYPES.	63,635	63,635
	OTHER AMMUNITION		
023	SIGNALS, ALL TYPES	16,858	16,858
	MISCELLANEOUS		
028	ITEMS LESS THAN $5 MILLION.	1,200	1,200
	PRODUCTION BASE SUPPORT		
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY.	**357,493**	**357,493**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV).	28,247	28,247

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV).	2,050	2,050
011	HMMWV RECAPITALIZATION PROGRAM.	271,000	271,000
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS.	927,400	927,400
	COMM—INTELLIGENCE COMM		
052	RESERVE CA/MISO GPF EQUIPMENT.	8,000	8,000
	COMM—BASE COMMUNICATIONS		
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.	25,000	65,000
	Transfer from OMA OCO at SOUTHCOM request.		[40,000]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
069	DCGS–A (MIP)	90,355	90,355
073	CI HUMINT AUTO REPRINTING AND COLLECTION.	6,516	6,516
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
075	LIGHTWEIGHT COUNTER MORTAR RADAR.	27,646	27,646
077	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES.	52,000	52,000
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES.	205,209	205,209
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS).	14,600	14,600
099	COUNTERFIRE RADARS	54,585	54,585
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
102	FIRE SUPPORT C2 FAMILY	22,430	22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM.	2,400	2,400
112	MANEUVER CONTROL SYSTEM (MCS).	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE).	5,160	5,160
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE).	15,000	15,000
127	BASE DEFENSE SYSTEMS (BDS).	66,100	66,100
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).	3,565	3,565
	COMBAT SERVICE SUPPORT EQUIPMENT		
143	FORCE PROVIDER	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM.	650	650
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER.	2,119	2,119
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS.	428	428
153	ITEMS LESS THAN $5 MILLION (MAINT EQ).	30	30
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT.	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM.	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER.	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING.	5,900	5,900
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT.	98,167	91,167
	Slow execution of prior years appropriations.		[–37,000]
	Solar power units		[30,000]
	TOTAL, OTHER PROCUREMENT, ARMY.	**2,015,907**	**2,048,907**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	950,500	850,500
	Program decrease—under execution.		[–100,000]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	400,000	350,000
	Program decrease—under execution & program delays.		[–50,000]
	FORCE TRAINING		
003	TRAIN THE FORCE	149,500	128,500
	Program decrease—under execution & program delays.		[–21,000]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	175,400	373,814
	Transfer from Base		[227,414]
	Program decrease—excessive contractor service support.		[–29,000]
	TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND.	**1,675,400**	**1,702,814**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
011	H–1 UPGRADES (UH–1Y/AH–1Z).	29,800	29,800
	MODIFICATION OF AIRCRAFT		
030	AV–8 SERIES	42,238	42,238
032	F–18 SERIES	41,243	41,243
035	H–53 SERIES	15,870	15,870
038	EP–3 SERIES	13,030	13,030
043	C–130 SERIES	16,737	16,737
048	SPECIAL PROJECT AIRCRAFT.	2,714	2,714
054	COMMON AVIONICS CHANGES.	570	570
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT.	2,380	2,380
	TOTAL, AIRCRAFT PROCUREMENT, NAVY.	**164,582**	**164,582**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
009	HELLFIRE	17,000	17,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM).	6,500	6,500
	TOTAL, WEAPONS PROCUREMENT, NAVY.	**23,500**	**23,500**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS.	18,000	18,000
002	AIRBORNE ROCKETS, ALL TYPES.	80,200	80,200
003	MACHINE GUN AMMUNITION.	21,500	21,500
006	AIR EXPENDABLE COUNTERMEASURES.	20,303	20,303
011	OTHER SHIP GUN AMMUNITION.	532	532
012	SMALL ARMS & LANDING PARTY AMMO.	2,643	2,643
013	PYROTECHNIC AND DEMOLITION.	2,322	2,322
014	AMMUNITION LESS THAN $5 MILLION.	6,308	6,308
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION.	10,948	10,948
016	LINEAR CHARGES, ALL TYPES.	9,940	9,940
017	40MM, ALL TYPES	5,963	5,963
020	120MM, ALL TYPES	11,605	11,605
021	CTG 25MM, ALL TYPES	2,831	2,831
022	GRENADES, ALL TYPES	2,359	2,359
023	ROCKETS, ALL TYPES	3,051	3,051
024	ARTILLERY, ALL TYPES	54,886	54,886
025	DEMOLITION MUNITIONS, ALL TYPES.	1,391	1,391
026	FUZE, ALL TYPES	30,945	30,945
027	NON LETHALS	8	8
029	ITEMS LESS THAN $5 MILLION.	12	12
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC.	**285,747**	**285,747**
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
070	TACTICAL/MOBILE C4I SYSTEMS.	3,603	3,603
	AIRCRAFT SUPPORT EQUIPMENT		
097	EXPEDITIONARY AIRFIELDS.	58,200	58,200
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES.	3,901	3,901
128	GENERAL PURPOSE TRUCKS.	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP.	2,436	2,436
130	FIRE FIGHTING EQUIPMENT.	3,798	3,798
131	TACTICAL VEHICLES	13,394	13,394
134	ITEMS UNDER $5 MILLION.	375	375
	COMMAND SUPPORT EQUIPMENT		
149	C4ISR EQUIPMENT	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT.	9,323	9,323
	TOTAL, OTHER PROCUREMENT, NAVY.	**98,882**	**98,882**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
002	LAV PIP	10,000	10,000
	ARTILLERY AND OTHER WEAPONS		
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM.	108,860	108,860
	GUIDED MISSILES		
010	JAVELIN	29,158	29,158
	OTHER SUPPORT		
013	MODIFICATION KITS	41,602	41,602
	REPAIR AND TEST EQUIPMENT		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
015	REPAIR AND TEST EQUIPMENT.	13,632	13,632
	OTHER SUPPORT (TEL)		
017	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
019	AIR OPERATIONS C2 SYSTEMS.	15,575	15,575
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	8,015	8,015
	INTELL/COMM EQUIPMENT (NON-TEL)		
023	INTELLIGENCE SUPPORT EQUIPMENT.	35,310	35,310
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
029	NIGHT VISION EQUIPMENT	652	652
	OTHER SUPPORT (NON-TEL)		
030	COMMON COMPUTER RESOURCES.	19,807	19,807
032	RADIO SYSTEMS	36,482	36,482
033	COMM SWITCHING & CONTROL SYSTEMS.	41,295	41,295
	TACTICAL VEHICLES		
039	MEDIUM TACTICAL VEHICLE REPLACEMENT.	10,466	10,466
041	FAMILY OF TACTICAL TRAILERS.	7,642	7,642
	ENGINEER AND OTHER EQUIPMENT		
045	BULK LIQUID EQUIPMENT	18,239	18,239
046	TACTICAL FUEL SYSTEMS	51,359	51,359
047	POWER EQUIPMENT ASSORTED.	20,247	20,247
049	EOD SYSTEMS	362,658	362,658
	MATERIALS HANDLING EQUIPMENT		
050	PHYSICAL SECURITY EQUIPMENT.	55,500	55,500
052	MATERIAL HANDLING EQUIP.	19,100	19,100
	GENERAL PROPERTY		
054	FIELD MEDICAL EQUIPMENT.	15,751	15,751
055	TRAINING DEVICES	3,602	3,602
057	FAMILY OF CONSTRUCTION EQUIPMENT.	15,900	15,900
	TOTAL, PROCUREMENT, MARINE CORPS.	**943,683**	**943,683**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC AIRCRAFT		
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES.	139,800	139,800
	OTHER AIRCRAFT		
055	U–2 MODS	46,800	46,800
063	C–130	11,400	11,400
067	COMPASS CALL MODS	14,000	14,000
068	RC–135	8,000	8,000
075	HC/MC–130 MODIFICATIONS.	4,700	4,700
	AIRCRAFT SPARES AND REPAIR PARTS		
081	INITIAL SPARES/REPAIR PARTS.	21,900	21,900
	OTHER PRODUCTION CHARGES		
099	OTHER PRODUCTION CHARGES.	59,000	59,000
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE.	**305,600**	**305,600**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
005	PREDATOR HELLFIRE MISSILE.	34,350	34,350
	TOTAL, MISSILE PROCUREMENT, AIR FORCE.	**34,350**	**34,350**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
002	CARTRIDGES	13,592	13,592
	BOMBS		
004	GENERAL PURPOSE BOMBS.	23,211	23,211
005	JOINT DIRECT ATTACK MUNITION.	53,923	53,923
	FLARE, IR MJU–7B		
006	CAD/PAD	2,638	2,638
010	ITEMS LESS THAN $5 MILLION.	2,600	2,600
	FUZES		
011	FLARES	11,726	11,726
012	FUZES	8,513	8,513
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE.	**116,203**	**116,203**
	OTHER PROCUREMENT, AIR FORCE		
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE.	2,010	2,010
004	ITEMS LESS THAN $5 MILLION.	2,675	2,675
	SPECIAL PURPOSE VEHICLES		
006	ITEMS LESS THAN $5 MILLION.	2,557	2,557
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN $5 MILLION.	4,329	4,329
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV AND CLEANING EQU.	984	984
010	ITEMS LESS THAN $5 MILLION.	9,120	9,120
	ELECTRONICS PROGRAMS		
022	WEATHER OBSERVATION FORECAST.	5,600	5,600
027	GENERAL INFORMATION TECHNOLOGY.	11,157	11,157
	ORGANIZATION AND BASE		
049	TACTICAL C–E EQUIPMENT.	7,000	7,000
053	BASE COMM INFRASTRUCTURE.	10,654	10,654
	MODIFICATIONS		
054	COMM ELECT MODS	8,000	8,000
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	902	902
	BASE SUPPORT EQUIPMENT		
059	CONTINGENCY OPERATIONS.	60,090	60,090
062	MOBILITY EQUIPMENT	9,400	9,400
063	ITEMS LESS THAN $5 MILLION.	9,175	9,175
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	2,672,317	2,672,317
	SPARES AND REPAIR PARTS		
071	SPARES AND REPAIR PARTS.	2,300	2,300
	TOTAL, OTHER PROCUREMENT, AIR FORCE.	**2,818,270**	**2,818,270**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
015	TELEPORT PROGRAM	5,260	5,260
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	126,201	126,201
	AVIATION PROGRAMS		
061	MQ–8 UAV	16,500	16,500
	OTHER PROCUREMENT PROGRAMS		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS.	151	151
069	INTELLIGENCE SYSTEMS	30,528	30,528
077	TACTICAL VEHICLES	1,843	1,843
082	AUTOMATION SYSTEMS	1,000	1,000
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS.	108	108
091	OPERATIONAL ENHANCEMENTS.	14,758	14,758
	TOTAL, PROCUREMENT, DEFENSE-WIDE.	**196,349**	**196,349**
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND.	100,000	100,000
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND.	**100,000**	**100,000**
	TOTAL, PROCUREMENT	**9,687,241**	**9,676,655**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	20,860	20,860
002	0601102A	DEFENSE RESEARCH SCIENCES	219,180	219,180
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,986	80,986
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	123,045	123,045
		SUBTOTAL, BASIC RESEARCH	**444,071**	**444,071**
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	29,041	29,041

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Senate Authorized
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	45,260	45,260
007	0602122A	TRACTOR HIP	22,439	22,439
008	0602211A	AVIATION TECHNOLOGY	51,607	51,607
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,068	15,068
010	0602303A	MISSILE TECHNOLOGY	49,383	49,383
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	25,999	25,999
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	23,507	23,507
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	69,062	69,062
014	0602618A	BALLISTICS TECHNOLOGY	60,823	60,823
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,465	4,465
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,169	7,169
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	35,218	35,218
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	60,300	60,300
019	0602709A	NIGHT VISION TECHNOLOGY	53,244	53,244
020	0602712A	COUNTERMINE SYSTEMS	18,850	18,850
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	19,872	19,872
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,095	20,095
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	28,852	28,852
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	9,830	9,830
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	70,693	70,693
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	17,781	17,781
027	0602786A	WARFIGHTER TECHNOLOGY	28,281	28,281
028	0602787A	MEDICAL TECHNOLOGY	107,891	107,891
		SUBTOTAL, APPLIED RESEARCH	**874,730**	**874,730**
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,359	39,359
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,580	69,580
031	0603003A	AVIATION ADVANCED TECHNOLOGY	64,215	64,215
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	67,613	67,613
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	104,359	104,359
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	4,157	4,157
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	9,856	9,856
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,661	50,661
037	0603009A	TRACTOR HIKE	9,126	9,126
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,257	17,257
039	0603020A	TRACTOR ROSE	9,925	9,925
040	0603105A	MILITARY HIV RESEARCH	6,984	6,984
041	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	9,716	9,716
042	0603130A	TRACTOR NAIL	3,487	3,487
043	0603131A	TRACTOR EGGS	2,323	2,323
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY	21,683	21,683
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	71,111	71,111
046	0603322A	TRACTOR CAGE	10,902	10,902
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	6,095	6,095
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	37,217	37,217
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	28,458	28,458
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	25,226	25,226
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	**890,722**	**890,722**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	14,505	14,505
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,876	9,876
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	5,054	5,054
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV	2,725	2,725
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	30,560	30,560
059	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	14,347	14,347
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,073	10,073
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	8,660	8,660
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,715	10,715
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	4,631	4,631
064	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL	278,018	278,018
065	0603790A	NATO RESEARCH AND DEVELOPMENT	4,961	4,961
066	0603801A	AVIATION—ADV DEV	8,602	8,602
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,605	14,605
068	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	5,054	5,054
069	0603807A	MEDICAL SYSTEMS—ADV DEV	24,384	24,384
070	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	32,050	32,050
071	0603850A	INTEGRATED BROADCAST SERVICE	96	96
072	0604115A	TECHNOLOGY MATURATION INITIATIVES	24,868	24,868
073	0604131A	TRACTOR JUTE	59	59
074	0604284A	JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G)/TECHNOLOGY DEV	0	0
075	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2–INTERCEPT (IFPC2)	76,039	76,039
076	0604775A	DEFENSE RAPID INNOVATION PROGRAM	0	0
077	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	4,043	4,043
078	0305205A	ENDURANCE UAVS	26,196	26,196
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**610,121**	**610,121**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
079	0604201A	AIRCRAFT AVIONICS	78,538	78,538

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Senate Authorized
080	0604220A	ARMED, DEPLOYABLE HELOS	90,494	90,494
081	0604270A	ELECTRONIC WARFARE DEVELOPMENT	181,347	181,347
082	0604280A	JOINT TACTICAL RADIO	0	0
083	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,636	12,636
084	0604321A	ALL SOURCE ANALYSIS SYSTEM	5,694	5,694
085	0604328A	TRACTOR CAGE	32,095	32,095
086	0604601A	INFANTRY SUPPORT WEAPONS	96,478	96,478
087	0604604A	MEDIUM TACTICAL VEHICLES	3,006	3,006
088	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ENG DEV	0	0
089	0604611A	JAVELIN	5,040	5,040
090	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	3,077	3,077
091	0604633A	AIR TRAFFIC CONTROL	9,769	9,769
092	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	13,141	25,141
		Transfer from OPA line 191 at Army request		[12,000]
093	0604642A	LIGHT TACTICAL WHEELED VEHICLES	0	0
094	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	0	0
095	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	0	0
096	0604663A	FCS UNMANNED GROUND VEHICLES	0	0
097	0604664A	FCS UNATTENDED GROUND SENSORS	0	0
098	0604665A	FCS SUSTAINMENT & TRAINING R&D	0	0
099	0604710A	NIGHT VISION SYSTEMS—ENG DEV	32,621	32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,132	2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	44,787	44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV	1,008	1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	73,333	73,333
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,937	28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	10,815	10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	13,926	13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	17,797	17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	214,270	214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV	14,581	14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	43,706	43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	20,776	20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV	43,395	43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	104,983	104,983
114	0604814A	ARTILLERY MUNITIONS—EMD	4,346	4,346
115	0604817A	COMBAT IDENTIFICATION	0	0
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	77,223	77,223
117	0604820A	RADAR DEVELOPMENT	3,486	3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	9,963	27,163
		GFEBS realignment per Army request		[17,200]
119	0604823A	FIREFINDER	20,517	20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	51,851	51,851
121	0604854A	ARTILLERY SYSTEMS—EMD	167,797	167,797
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	400,861	0
		No funds authorized		[–400,861]
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,922	7,922
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	51,463	51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	158,646	158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	10,000	10,000
127	0605455A	SLAMRAAM	0	0
128	0605456A	PAC–3/MSE MISSILE	69,029	69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	277,374	277,374
130	0605625A	MANNED GROUND VEHICLE	639,874	639,874
131	0605626A	AERIAL COMMON SENSOR	47,426	47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH	72,295	72,295
133	0303032A	TROJAN—RH12	4,232	4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,942	13,942
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	**3,286,629**	**2,914,968**
		RDT&E MANAGEMENT SUPPORT		
135	0604256A	THREAT SIMULATOR DEVELOPMENT	18,090	18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT	14,034	14,034
137	0604759A	MAJOR T&E INVESTMENT	37,394	37,394
138	0605103A	RAND ARROYO CENTER	21,026	21,026
139	0605301A	ARMY KWAJALEIN ATOLL	176,816	176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	27,902	27,902
141	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
142	0605601A	ARMY TEST RANGES AND FACILITIES	369,900	369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	69,183	69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	44,753	44,753
145	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	0	0
146	0605606A	AIRCRAFT CERTIFICATION	5,762	5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,402	7,402
148	0605706A	MATERIEL SYSTEMS ANALYSIS	19,954	19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,535	5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING	67,789	67,789
151	0605716A	ARMY EVALUATION CENTER	62,765	62,765
152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	1,545	1,545
153	0605801A	PROGRAMWIDE ACTIVITIES	83,422	83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES	50,820	50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	46,763	46,763
156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,601	4,601

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157	0605898A	MANAGEMENT HQ—R&D	18,524	18,524
158	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	**1,153,980**	**1,153,980**
		OPERATIONAL SYSTEMS DEVELOPMENT		
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	143,005	143,005
160	0607665A	FAMILY OF BIOMETRICS	0	0
161	0607865A	PATRIOT PRODUCT IMPROVEMENT	109,978	109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE	190,422	190,422
163	0203347A	INTELLIGENCE SUPPORT TO CYBER (ISC) MIP	0	0
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	280,247	226,247
		Improved turbine engine program delay		[–54,000]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	898	898
169	0203758A	DIGITIZATION	35,180	35,180
170	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	0	0
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	20,733	20,733
172	0203808A	TRACTOR CARD	63,243	63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM	31,738	31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	35	35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,591	7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	40,876	40,876
184	0305219A	MQ–1 SKY WARRIOR A UAV	74,618	74,618
185	0305232A	RQ–11 UAV	4,039	4,039
186	0305233A	RQ–7 UAV	31,158	31,158
187	0305235A	VERTICAL UAS	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS	4,628	4,628
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**1,669,162**	**1,615,162**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**8,929,415**	**8,503,754**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,690	113,690
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,261	18,261
003	0601153N	DEFENSE RESEARCH SCIENCES	473,070	473,070
		SUBTOTAL, BASIC RESEARCH	**605,021**	**605,021**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	89,189	89,189
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	143,301	143,301
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	46,528	46,528
007	0602235N	COMMON PICTURE APPLIED RESEARCH	41,696	41,696
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	44,127	44,127
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	78,228	78,228
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,635	49,635
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,973	5,973
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	96,814	96,814
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	162,417	162,417
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,394	32,394
		SUBTOTAL, APPLIED RESEARCH	**790,302**	**790,302**
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	56,543	56,543
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	18,616	18,616
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	0	0
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	0	0
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	54,858	54,858
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	130,598	130,598
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,706	11,706
022	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	256,382	256,382
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	3,880	3,880
024	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	0	0
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	51,819	51,819
026	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	0	0
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	**584,402**	**584,402**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603128N	UNMANNED AERIAL SYSTEM	0	0
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	34,085	34,085
029	0603216N	AVIATION SURVIVABILITY	8,783	8,783
030	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,773	3,773
031	0603251N	AIRCRAFT SYSTEMS	24,512	24,512
032	0603254N	ASW SYSTEMS DEVELOPMENT	8,090	8,090
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,301	5,301

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034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,506	1,506
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	190,622	190,622
036	0603506N	SURFACE SHIP TORPEDO DEFENSE	93,346	93,346
037	0603512N	CARRIER SYSTEMS DEVELOPMENT	108,871	108,871
038	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	0	0
039	0603525N	PILOT FISH	101,169	101,169
040	0603527N	RETRACT LARCH	74,312	74,312
041	0603536N	RETRACT JUNIPER	90,730	90,730
042	0603542N	RADIOLOGICAL CONTROL	777	777
043	0603553N	SURFACE ASW	6,704	6,704
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	555,123	555,123
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,368	9,368
046	0603563N	SHIP CONCEPT ADVANCED DESIGN	24,609	24,609
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	13,710	13,710
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	249,748	249,748
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	29,897	29,897
050	0603576N	CHALK EAGLE	509,988	509,988
051	0603581N	LITTORAL COMBAT SHIP (LCS)	429,420	429,420
052	0603582N	COMBAT SYSTEM INTEGRATION	56,551	56,551
053	0603609N	CONVENTIONAL MUNITIONS	7,342	7,342
054	0603611M	MARINE CORPS ASSAULT VEHICLES	95,182	95,182
055	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	10,496	10,496
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	52,331	52,331
057	0603658N	COOPERATIVE ENGAGEMENT	56,512	56,512
058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	7,029	7,029
059	0603721N	ENVIRONMENTAL PROTECTION	21,080	21,080
060	0603724N	NAVY ENERGY PROGRAM	55,324	55,324
061	0603725N	FACILITIES IMPROVEMENT	3,401	3,401
062	0603734N	CHALK CORAL	45,966	45,966
063	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,811	3,811
064	0603746N	RETRACT MAPLE	341,305	341,305
065	0603748N	LINK PLUMERIA	181,220	181,220
066	0603751N	RETRACT ELM	174,014	174,014
067	0603755N	SHIP SELF DEFENSE—DEM/VAL	0	0
068	0603764N	LINK EVERGREEN	68,654	68,654
069	0603787N	SPECIAL PROCESSES	44,487	44,487
070	0603790N	NATO RESEARCH AND DEVELOPMENT	9,389	9,389
071	0603795N	LAND ATTACK TECHNOLOGY	16,132	16,132
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	44,994	44,994
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	137,369	137,369
074	0603889N	COUNTERDRUG RDT&E PROJECTS	0	0
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	0	0
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	73,934	73,934
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
078	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW)	71,300	71,300
079	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	5,654	5,654
080	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	31,549	31,549
081	0604775N	DEFENSE RAPID INNOVATION PROGRAM	0	0
082	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	86,801	86,801
083	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH	44,500	44,500
084	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	13,172	13,172
085	0303562N	SUBMARINE TACTICAL WARFARE SYSTEMS—MIP	0	0
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	643	643
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**4,335,297**	**4,335,297**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
087	0604212N	OTHER HELO DEVELOPMENT	33,978	33,978
088	0604214N	AV–8B AIRCRAFT—ENG DEV	32,789	32,789
089	0604215N	STANDARDS DEVELOPMENT	84,988	84,988
090	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	6,866	6,866
091	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,060	4,060
092	0604221N	P–3 MODERNIZATION PROGRAM	3,451	3,451
093	0604230N	WARFARE SUPPORT SYSTEM	13,071	13,071
094	0604231N	TACTICAL COMMAND SYSTEM	71,645	71,645
095	0604234N	ADVANCED HAWKEYE	119,065	119,065
096	0604245N	H–1 UPGRADES	31,105	31,105
097	0604261N	ACOUSTIC SEARCH SENSORS	34,299	34,299
098	0604262N	V–22A	54,412	54,412
099	0604264N	AIR CREW SYSTEMS DEVELOPMENT	2,717	2,717
100	0604269N	EA–18	13,009	13,009
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT	51,304	51,304
102	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	61,163	61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ)	187,024	187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	337,480	337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	260,616	260,616
106	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	824	824
107	0604329N	SMALL DIAMETER BOMB (SDB)	31,064	31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS	63,891	63,891
109	0604373N	AIRBORNE MCM	73,246	73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION	10,568	10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	39,974	39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM	122,481	122,481
113	0604501N	ADVANCED ABOVE WATER SENSORS	255,516	255,516

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114	0604503N	SSN–688 AND TRIDENT MODERNIZATION	82,620	82,620
115	0604504N	AIR CONTROL	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS	55,826	55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION	918	918
118	0604558N	NEW DESIGN SSN	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,889	3,889
122	0604601N	MINE DEVELOPMENT	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	151,489	151,489
130	0604761N	INTELLIGENCE ENGINEERING	0	0
131	0604771N	MEDICAL DEVELOPMENT	12,707	12,707
132	0604777N	NAVIGATION/ID SYSTEM	47,764	47,764
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	737,149	737,149
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	743,926	743,926
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	12,143	12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	72,209	72,209
137	0605018N	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS)	0	0
138	0605212N	CH–53K RDTE	606,204	606,204
139	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	0	0
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	421,102	421,102
141	0204202N	DDG–1000	124,655	124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP	1,170	1,170
143	0304503N	SSN–688 AND TRIDENT MODERNIZATION—MIP	0	0
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	23,255	23,255
145	0305124N	SPECIAL APPLICATIONS PROGRAM	0	0
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	**5,747,232**	**5,747,232**
		RDT&E MANAGEMENT SUPPORT		
146	0604256N	THREAT SIMULATOR DEVELOPMENT	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES	46,856	46,856
152	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
153	0605804N	TECHNICAL INFORMATION SERVICES	796	796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	32,782	32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT	3,306	3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,302	70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	144,033	144,033
158	0605864N	TEST AND EVALUATION SUPPORT	342,298	342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,399	16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,579	4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,000	8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	18,490	18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,795	2,795
164	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	0	0
165	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	**845,077**	**845,077**
		OPERATIONAL SYSTEMS DEVELOPMENT		
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	142,282	142,282
168	0604717M	MARINE CORPS COMBAT SERVICES SUPPORT	0	0
169	0604766M	MARINE CORPS DATA SYSTEMS	0	0
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	105,892	105,892
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,729	34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	1,434	1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS	19,208	19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	25,566	25,566
175	0204136N	F/A–18 SQUADRONS	188,299	188,299
176	0204152N	E–2 SQUADRONS	8,610	8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	15,695	15,695
178	0204228N	SURFACE SUPPORT	4,171	4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	11,265	11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM	45,922	45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	8,435	8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	75,088	75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	20,229	20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,756	1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	19,843	19,843
186	0205601N	HARM IMPROVEMENT	11,477	11,477
187	0205604N	TACTICAL DATA LINKS	118,818	118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	27,342	27,342
189	0205632N	MK–48 ADCAP	28,717	28,717
190	0205633N	AVIATION IMPROVEMENTS	89,157	89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,450	3,450

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192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	58,393	58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE)	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	500	500
208	0303238N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP	0	0
210	0305149N	COBRA JUDY	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,066	9,066
214	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	0	0
215	0305207N	MANNED RECONNAISSANCE SYSTEMS	30,654	30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,676	14,676
218	0305220N	RQ–4 UAV	657,483	657,483
219	0305231N	MQ–8 UAV	99,600	99,600
220	0305232M	RQ–11 UAV	495	495
221	0305233N	RQ–7 UAV	863	863
222	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	0	0
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	9,734	9,734
224	0305237N	MEDIUM RANGE MARITIME UAS	0	0
225	0305239M	RQ–21A	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF)	27,391	27,391
228	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	0	0
229	0708011N	INDUSTRIAL PREPAREDNESS	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
230A	9999999999	CLASSIFIED PROGRAMS	1,151,159	1,151,159
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**3,975,546**	**3,975,546**
230B		PRIOR YEAR SAVINGS		–8,832
		Medium range maritime UAS cancellation		[–8,832]
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**16,882,877**	**16,874,045**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	361,787	361,787
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,153	141,153
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,094	13,094
		SUBTOTAL, BASIC RESEARCH	**516,034**	**516,034**
		APPLIED RESEARCH		
004	0602102F	MATERIALS	114,166	114,166
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	120,719	120,719
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	89,319	89,319
007	0602203F	AEROSPACE PROPULSION	232,547	232,547
008	0602204F	AEROSPACE SENSORS	127,637	127,637
009	0602601F	SPACE TECHNOLOGY	98,375	98,375
010	0602602F	CONVENTIONAL MUNITIONS	77,175	77,175
011	0602605F	DIRECTED ENERGY TECHNOLOGY	106,196	106,196
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	104,362	104,362
013	0602890F	HIGH ENERGY LASER RESEARCH	38,557	38,557
		SUBTOTAL, APPLIED RESEARCH	**1,109,053**	**1,109,053**
		ADVANCED TECHNOLOGY DEVELOPMENT		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	47,890	47,890
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	6,565	6,565
016	0603203F	ADVANCED AEROSPACE SENSORS	37,657	37,657
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	81,376	81,376
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	151,152	151,152
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	32,941	32,941
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	64,557	64,557
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	29,256	29,256
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	21,523	21,523
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	36,352	36,352
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	19,004	19,004
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	37,045	37,045
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	31,419	31,419
027	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	0	0
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	**596,737**	**596,737**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	3,866	3,866
029	0603287F	PHYSICAL SECURITY EQUIPMENT	3,704	3,704
030	0603430F	ADVANCED EHF MILSATCOM (SPACE)	229,171	227,671

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Line	Program Element	Item	FY 2013 Request	Senate Authorized
		Excess funding		[–1,500]
031	0603432F	POLAR MILSATCOM (SPACE)	120,676	120,676
032	0603438F	SPACE CONTROL TECHNOLOGY	25,144	23,144
		Excess funding		[–2,000]
033	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	32,243	32,243
034	0603790F	NATO RESEARCH AND DEVELOPMENT	4,507	4,507
035	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	652	652
036	0603830F	SPACE PROTECTION PROGRAM (SPP)	10,429	10,429
037	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL	19,938	19,938
038	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	71,181	71,181
039	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,027	12,027
040	0603859F	POLLUTION PREVENTION—DEM/VAL	2,054	2,054
041	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	57,975	57,975
042	0604015F	LONG RANGE STRIKE	291,742	291,742
043	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	114,417	114,417
044	0604317F	TECHNOLOGY TRANSFER	2,576	2,576
045	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	16,711	16,711
046	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	0	0
047	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	16,343	16,343
048	0604422F	WEATHER SATELLITE FOLLOW-ON	2,000	2,000
049	0604436F	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT	0	0
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	9,423	9,423
051	0604775F	DEFENSE RAPID INNOVATION PROGRAM	0	0
052	0604796F	ALTERNATIVE FUELS	0	0
053	0604830F	AUTOMATED AIR-TO-AIR REFUELING	0	0
054	0604857F	OPERATIONALLY RESPONSIVE SPACE	0	45,000
		Restore Operationally Responsive Space		[45,000]
055	0604858F	TECH TRANSITION PROGRAM	37,558	34,558
		Excess funding		[–3,000]
056	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	96,840	96,840
057	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS)	0	0
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,181,177**	**1,219,677**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
058	0603840F	GLOBAL BROADCAST SERVICE (GBS)	14,652	14,652
059	0604222F	NUCLEAR WEAPONS SUPPORT	25,713	25,713
060	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,583	6,583
061	0604270F	ELECTRONIC WARFARE DEVELOPMENT	1,975	1,975
062	0604280F	JOINT TACTICAL RADIO	2,594	2,594
063	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	24,534	24,534
064	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
065	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	143,000	143,000
066	0604421F	COUNTERSPACE SYSTEMS	28,797	28,797
067	0604425F	SPACE SITUATION AWARENESS SYSTEMS	267,252	247,252
		Excess funding		[–20,000]
068	0604429F	AIRBORNE ELECTRONIC ATTACK	4,118	4,118
069	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	448,594	446,594
		Excess funding		[–2,000]
070	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,951	9,951
071	0604604F	SUBMUNITIONS	2,567	2,567
072	0604617F	AGILE COMBAT SUPPORT	13,059	13,059
073	0604706F	LIFE SUPPORT SYSTEMS	9,720	9,720
074	0604735F	COMBAT TRAINING RANGES	9,222	9,222
075	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	0	0
076	0604750F	INTELLIGENCE EQUIPMENT	803	803
077	0604800F	F–35—EMD	1,210,306	1,210,306
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD	135,437	135,437
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD	7,980	7,980
080	0604932F	LONG RANGE STANDOFF WEAPON	2,004	2,004
081	0604933F	ICBM FUZE MODERNIZATION	73,512	73,512
082	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	140,100	140,100
083	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	1,815,588	1,728,458
		Excess prior year funds		[–87,130]
084	0605229F	CSAR HH–60 RECAPITALIZATION	123,210	123,210
085	0605278F	HC/MC–130 RECAP RDT&E	19,039	19,039
086	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	281,056	281,056
087	0101125F	NUCLEAR WEAPONS MODERNIZATION	80,200	80,200
088	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS	0	0
089	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE	310	310
090	0207701F	FULL COMBAT MISSION TRAINING	14,861	14,861
091	0305230F	MC–12	19,949	19,949
092	0401138F	C–27J AIRLIFT SQUADRONS	0	0
093	0401318F	CV–22	28,027	28,027
094	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,960	1,960
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	**4,966,724**	**4,857,594**
		RDT&E MANAGEMENT SUPPORT		
095	0604256F	THREAT SIMULATOR DEVELOPMENT	22,812	22,812
096	0604759F	MAJOR T&E INVESTMENT	42,236	42,236
097	0605101F	RAND PROJECT AIR FORCE	25,579	25,579
098	0605502F	SMALL BUSINESS INNOVATION RESEARCH	0	0
099	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	16,197	16,197
100	0605807F	TEST AND EVALUATION SUPPORT	722,071	722,071

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101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	16,200	16,200
102	0605864F	SPACE TEST PROGRAM (STP)	10,051	45,051
		Restore Space Test Program		[35,000]
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT	42,597	42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	27,301	27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,964	13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	203,766	203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	42,430	42,430
108	0804731F	GENERAL SKILL TRAINING	1,294	1,294
109	0909980F	JUDGMENT FUND REIMBURSEMENT	0	0
110	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
111	1001004F	INTERNATIONAL ACTIVITIES	3,851	3,851
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	**1,190,349**	**1,225,349**
		OPERATIONAL SYSTEMS DEVELOPMENT		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	371,595	370,095
		Excess funding		[–1,500]
113	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	0	0
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	17,037	17,037
117	0101113F	B–52 SQUADRONS	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	431	431
119	0101126F	B–1B SQUADRONS	16,265	16,265
120	0101127F	B–2 SQUADRONS	35,970	20,970
		Efficiencies		[–15,000]
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	5,609	5,609
125	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	0	0
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	15,098	15,098
127	0205219F	MQ–9 UAV	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	49,848	49,848
129	0207131F	A–10 SQUADRONS	13,538	13,538
130	0207133F	F–16 SQUADRONS	190,257	190,257
131	0207134F	F–15E SQUADRONS	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,683	13,683
133	0207138F	F–22A SQUADRONS	371,667	371,667
134	0207142F	F–35 SQUADRONS	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE	1,119	1,119
140	0207247F	AF TENCAP	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,063	1,063
142	0207253F	COMPASS CALL	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	187,984	187,984
144	0207277F	ISR INNOVATIONS	0	0
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC)	8,653	8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	65,200	65,200
149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	5,767	5,767
150	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	0	0
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,756	5,756
153	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	0	0
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD	16,226	16,226
155	0207445F	FIGHTER TACTICAL DATA LINK	0	0
156	0207448F	C2ISR TACTICAL DATA LINK	1,633	1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,086	18,086
158	0207452F	DCAPES	15,690	15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	24,241	24,241
160	0207590F	SEEK EAGLE	22,654	22,654
161	0207601F	USAF MODELING AND SIMULATION	15,501	15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS	5,699	5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,425	4,425
164	0208006F	MISSION PLANNING SYSTEMS	69,377	69,377
165	0208021F	INFORMATION WARFARE SUPPORT	7,159	7,159
166	0208059F	CYBER COMMAND ACTIVITIES	66,888	66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE	12,056	12,056
175	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	4,159	4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	20,124	20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	69,133	69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	6,512	6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	4,316	4,316
180	0303601F	MILSATCOM TERMINALS	107,237	107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE	129,106	129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,461	4,461
186	0305103F	CYBER SECURITY INITIATIVE	2,055	2,055
187	0305105F	DOD CYBER CRIME CENTER	285	285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	33,773	33,773
189	0305111F	WEATHER SERVICE	29,048	29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	43,187	43,187

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191	0305116F	AERIAL TARGETS	50,496	50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	354	354
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,000	4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	342	342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	29,621	29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	14,335	14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,680	3,680
202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,430	2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	8,760	8,760
204	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	0	0
205	0305202F	DRAGON U–2	23,644	23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	21,000	21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	96,735	96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,316	13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	63,501	63,501
210	0305219F	MQ–1 PREDATOR A UAV	9,122	9,122
211	0305220F	RQ–4 UAV	236,265	236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,367	7,367
213	0305236F	COMMON DATA LINK (CDL)	38,094	38,094
214	0305238F	NATO AGS	210,109	210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE	24,500	24,500
216	0305265F	GPS III SPACE SEGMENT	318,992	318,992
217	0305614F	JSPOC MISSION SYSTEM	54,645	54,645
218	0305881F	RAPID CYBER ACQUISITION	4,007	4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	13,357	13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE)	64,965	64,965
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586
222	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	0	0
223	0308699F	SHARED EARLY WARNING (SEW)	1,175	1,175
224	0401115F	C–130 AIRLIFT SQUADRON	5,000	5,000
225	0401119F	C–5 AIRLIFT SQUADRONS (IF)	35,115	35,115
226	0401130F	C–17 AIRCRAFT (IF)	99,225	99,225
227	0401132F	C–130J PROGRAM	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	100	100
230	0401218F	KC–135S	0	0
231	0401219F	KC–10S	24,022	24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT	7,471	7,471
233	0401315F	C-STOL AIRCRAFT	0	0
234	0408011F	SPECIAL TACTICS / COMBAT CONTROL	4,984	4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF)	1,588	1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES	577	577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	119,327	119,327
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	15,873	15,873
239	0801711F	RECRUITING ACTIVITIES	0	0
240	0804743F	OTHER FLIGHT TRAINING	349	349
241	0804757F	JOINT NATIONAL TRAINING CENTER	0	0
242	0808716F	OTHER PERSONNEL ACTIVITIES	117	117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,018	2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM	1,561	1,561
245	0901220F	PERSONNEL ADMINISTRATION	7,634	7,634
246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,175	1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	3,491	3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	100,160	100,160
249	0902998F	MANAGEMENT HQ—ADP SUPPORT (AF)	0	0
249A	9999999999	CLASSIFIED PROGRAMS	11,172,183	11,149,583
		Classified reduction		[–4,600]
		Classified reduction		[–18,000]
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**15,867,972**	**15,828,872**
249B		PRIOR YEAR SAVINGS		–78,426
		C–130 AMP cancellation		[–6,509]
		MALD II Cancellation		[–7,917]
		Global Hawk Block 30 cancellation		[–64,000]
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**25,428,046**	**25,274,890**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	45,071	45,071
002	0601101E	DEFENSE RESEARCH SCIENCES	309,051	309,051
003	0601110D8Z	BASIC RESEARCH INITIATIVES	19,405	19,405
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	39,676	39,676
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	87,979	87,979
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	50,566	50,566
		SUBTOTAL, BASIC RESEARCH	**551,748**	**551,748**
		APPLIED RESEARCH		
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	20,615	20,615
008	0602115E	BIOMEDICAL TECHNOLOGY	110,900	110,900
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	0	0
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	36,826	36,826
011	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	7,898	7,898

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Line	Program Element	Item	FY 2013 Request	Senate Authorized
012	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	392,421	392,421
013	0602304E	COGNITIVE COMPUTING SYSTEMS	30,424	30,424
014	0602305E	MACHINE INTELLIGENCE	0	0
015	0602383E	BIOLOGICAL WARFARE DEFENSE	19,236	19,236
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	223,269	223,269
017	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	13,753	13,753
018	0602668D8Z	CYBER SECURITY RESEARCH	18,985	18,985
019	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	6,771	6,771
020	0602702E	TACTICAL TECHNOLOGY	233,209	233,209
021	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	166,067	166,067
022	0602716E	ELECTRONICS TECHNOLOGY	222,416	222,416
023	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	172,352	172,352
024	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	28,739	28,739
		SUBTOTAL, APPLIED RESEARCH	**1,703,881**	**1,703,881**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
025	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,612	25,612
026	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	26,324	26,324
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,144	65,844
		Reduction due to duplication of effort		[–11,300]
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	275,022	275,022
029	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	79,975	79,975
030	0603200D8Z	JOINT ADVANCED CONCEPTS	0	0
031	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,032	20,032
032	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY	3,892	3,892
033	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	36,685	36,685
034	0603286E	ADVANCED AEROSPACE SYSTEMS	174,316	174,316
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY	159,704	159,704
036	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	234,280	234,280
037	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	6,983	6,983
038	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	158,263	158,263
039	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	25,393	25,393
040	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT	13,754	13,754
041	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	0	0
042	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	19,935	19,935
043	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT	8,235	8,235
044	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	21,966	51,966
		Industrial Base Innovation Fund		[30,000]
045	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	24,662	24,662
046	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	0	0
047	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	24,605	24,605
048	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	30,678	30,678
049	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,282	65,282
050	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	72,234	69,234
		DMEA upgrade reduction		[–3,000]
051	0603727D8Z	JOINT WARFIGHTING PROGRAM	8,403	8,403
052	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,008	111,008
053	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	0	0
054	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	237,859	237,859
055	0603765E	CLASSIFIED DARPA PROGRAMS	3,000	3,000
056	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	236,883	236,883
057	0603767E	SENSOR TECHNOLOGY	299,438	299,438
058	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	12,195	12,195
059	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,036	30,036
060	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,002	107,002
061	0603828D8Z	JOINT EXPERIMENTATION	0	0
062	0603828J	JOINT EXPERIMENTATION	21,230	21,230
063	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	47,433	47,433
064	0603901C	DIRECTED ENERGY RESEARCH	46,944	46,944
065	0603902C	NEXT GENERATION AEGIS MISSILE	224,077	224,077
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	92,602	92,602
067	0603942D8Z	TECHNOLOGY TRANSFER	0	0
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	26,244	26,244
069	0303310D8Z	CWMD SYSTEMS	53,946	53,946
070	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	45,317	45,317
071	1160422BB	AVIATION ENGINEERING ANALYSIS	861	861
072	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,959	4,959
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD)	**3,194,413**	**3,210,113**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**3,194,413**	**3,210,113**
073	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	33,234	33,234
074	0603527D8Z	RETRACT LARCH	21,023	21,023
075	0603600D8Z	WALKOFF	94,624	94,624
076	0603709D8Z	JOINT ROBOTICS PROGRAM	0	0
077	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	16,958	18,958
		Reverse cuts to testing		[2,000]
078	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	75,941	75,941
079	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	316,929	316,929
080	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	903,172	903,172
081	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	179,023	179,023
082	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	347,012	347,012
083	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	0	0
084	0603890C	BMD ENABLING PROGRAMS	362,711	362,711

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085	0603891C	SPECIAL PROGRAMS—MDA	272,387	272,387
086	0603892C	AEGIS BMD	992,407	992,407
087	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	51,313	51,313
088	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	6,912	6,912
089	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION	366,552	366,552
090	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	55,550	55,550
091	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	63,043	63,043
092	0603906C	REGARDING TRENCH	11,371	11,371
093	0603907C	SEA BASED X-BAND RADAR (SBX)	9,730	9,730
094	0603913C	ISRAELI COOPERATIVE PROGRAMS	99,836	409,836
		Arrow Weapon System improvements		[20,000]
		Arrow–3 interceptor		[20,000]
		David's Sling short-range BMD		[60,000]
		Iron Dome short-range rocket defense		[210,000]
095	0603914C	BALLISTIC MISSILE DEFENSE TEST	454,400	454,400
096	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	435,747	435,747
097	0603920D8Z	HUMANITARIAN DEMINING	13,231	13,231
098	0603923D8Z	COALITION WARFARE	11,398	11,398
099	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,283	24,083
		Increase for requirements shortfall		[20,800]
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	12,368	12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING	5,131	5,131
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM	0	200,000
		Rapid Innovation Program		[200,000]
103	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	0	0
104	0604787J	JOINT SYSTEMS INTEGRATION	3,273	3,273
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	0	0
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	7,364	7,364
107	0604880C	LAND-BASED SM–3 (LBSM3)	276,338	276,338
108	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	420,630	420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	297,375	297,375
110	0604884C	AIRBORNE INFRARED (ABIR)	0	0
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST)	58,742	58,742
112	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	0	0
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,158	3,158
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**6,282,166**	**6,814,966**
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
114	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	0	0
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	6,817	6,817
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	110,383	110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	311,071	311,071
118	0604709D8Z	JOINT ROBOTICS PROGRAM—EMD	0	0
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	25,787	25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,688	20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,749	5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,699	12,699
123	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS)	0	0
124	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	0	0
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,859	1,859
127	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION	25,269	25,269
130	0605140D8Z	TRUSTED FOUNDRY	0	0
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	10,238	10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,670	19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	3,556	3,556
134	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE	0	0
		SUBTOTAL, SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)	**694,287**	**694,287**
		RDT&E MANAGEMENT SUPPORT		
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,383	6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	3,845	3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	144,109	144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,419	2,419
139	0604943D8Z	THERMAL VICAR	8,214	8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	19,380	19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	32,266	32,266
142	0605110D8Z	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	840	840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	56,012	56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	55,508	55,508
145	0605128D8Z	CLASSIFIED PROGRAM USD(P)	0	0
146	0605130D8Z	FOREIGN COMPARATIVE TESTING	18,174	18,174
147	0605142D8Z	SYSTEMS ENGINEERING	43,195	43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	6,457	6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,901	4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	6,307	6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,601	6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,849	92,849
153	0605502BR	SMALL BUSINESS INNOVATION RESEARCH	0	0
154	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA	0	0
155	0605502D8W	SMALL BUSINESS INNOVATIVE RESEARCH	0	0

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156	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
157	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
158	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S	1,857	1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	12,056	12,056
161	0605799D8Z	EMERGING CAPABILITIES	0	0
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	55,454	55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	16,364	16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,110	20,110
		DT&E increase		[5,000]
165	0605897E	DARPA AGENCY RELOCATION	0	0
166	0605898E	MANAGEMENT HQ—R&D	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,454	4,454
168	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	0	0
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,637	2,637
170	0204571J	JOINT STAFF ANALYTICAL SUPPORT	0	0
173	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	0	0
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	8,238	8,238
175	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	0	0
176	0305103E	CYBER SECURITY INITIATIVE	1,801	1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	16,041	16,041
179	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	0	0
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	77,475	77,475
181	0901585C	PENTAGON RESERVATION	0	0
182	0901598C	MANAGEMENT HQ—MDA	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS	104	104
184	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
184A	9999999999	CLASSIFIED PROGRAMS	64,255	64,255
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	**887,928**	**892,928**
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS)	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	14,745	14,745
189	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	0	0
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,922	3,922
192	0208045K	C4I INTEROPERABILITY	72,574	72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	6,214	6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	499	499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	14,498	14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS	26,164	26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	12,931	12,931
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,296	6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	30,948	30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,780	11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	191,452	191,452
209	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	0	0
210	0303149J	C4I FOR THE WARRIOR	0	0
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	36,575	36,575
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	1,294	1,294
215	0303610K	TELEPORT PROGRAM	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	17,058	17,058
220	0305103D8Z	CYBER SECURITY INITIATIVE	0	0
222	0305103K	CYBER SECURITY INITIATIVE	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS	6,360	6,360
229	0305199D8Z	NET CENTRICITY	21,190	21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	7,114	7,714
		USSOCOM UFR		[600]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,247	3,247
237	0305219BB	MQ–1 PREDATOR A UAV	1,355	1,355
239	0305231BB	MQ–8 UAV	0	0
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	1,478	1,478
249	0708011S	INDUSTRIAL PREPAREDNESS	27,044	27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES	4,711	4,711
251	0902298J	MANAGEMENT HQ—OJCS	4,100	4,100
252	1001018D8Z	NATO AGS	0	0
253	1105219BB	MQ–9 UAV	3,002	3,002
254	1105232BB	RQ–11 UAV	0	0
255	1105233BB	RQ–7 UAV	0	0
256	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG	0	0
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	25,935	25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS	51,700	51,700
261	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	1,822	1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	10,131	10,131
263	1160429BB	AC/MC–130J	19,647	19,647

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264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	2,225	2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS	3,036	3,036
266	1160477BB	SOF WEAPONS SYSTEMS	1,511	1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	4,263	4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	4,448	4,448
269	1160480BB	SOF TACTICAL VEHICLES	11,325	11,325
270	1160481BB	SOF MUNITIONS	1,515	1,515
271	1160482BB	SOF ROTARY WING AVIATION	24,430	24,430
272	1160483BB	SOF UNDERWATER SYSTEMS	26,405	34,405
		Transfer from PDW Line 64 at USSOCOM request		[8,000]
273	1160484BB	SOF SURFACE CRAFT	8,573	8,573
274	1160488BB	SOF MILITARY INFORMATION SUPPORT OPERATIONS	0	0
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	16,386	16,386
276A	9999999999	CLASSIFIED PROGRAMS	3,754,516	3,754,516
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**4,667,738**	**4,676,338**
		UNDISTRIBUTED		
		UNDISTRIBUTED		**–100,000**
		DARPA undistributed reduction		[–75,000]
		DARPA classified programs reduction		[–25,000]
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**17,982,161**	**18,444,261**
		OPERATIONAL TEST & EVAL, DEFENSE		
		RDT&E MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	72,501	76,501
		NCR transition		[4,000]
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	49,201	49,201
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	63,566	63,566
		TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	**185,268**	**189,268**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL	**69,407,767**	**69,286,218**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	19,860	19,860
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**19,860**	**19,860**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**19,860**	**19,860**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	4,600	4,600
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**4,600**	**4,600**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
131	0604771N	MEDICAL DEVELOPMENT	2,173	2,173
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	**2,173**	**2,173**
		RDT&E MANAGEMENT SUPPORT		
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	5,200	5,200
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	**5,200**	**5,200**
		OPERATIONAL SYSTEMS DEVELOPMENT		
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,762	6,762
221	0305233N	RQ–7 UAV	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**48,146**	**48,146**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**60,119**	**60,119**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		OPERATIONAL SYSTEMS DEVELOPMENT		
249A	9999999999	CLASSIFIED PROGRAMS	53,150	53,150
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**53,150**	**53,150**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**53,150**	**53,150**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		OPERATIONAL SYSTEMS DEVELOPMENT		
239	0305231BB	MQ–8 UAV	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS	107,387	107,387
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**112,387**	**112,387**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**112,387**	**112,387**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Senate Authorized
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL	**245,516**	**245,516**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	1,223,087	1,223,087
020	MODULAR SUPPORT BRIGADES	80,574	80,574
030	ECHELONS ABOVE BRIGADE	723,039	723,039
040	THEATER LEVEL ASSETS	706,974	706,974
050	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650
060	AVIATION ASSETS	1,319,832	1,319,832
070	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,447,174
080	LAND FORCES SYSTEMS READINESS	454,774	454,774
090	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT	7,401,613	7,401,613
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,041,074	3,041,074
120	MANAGEMENT AND OPERATIONAL HQ'S	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS	177,819	177,819
140	ADDITIONAL ACTIVITIES	0	0
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	0	0
160	RESET	0	0
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	461,333	461,333
	SUBTOTAL, OPERATING FORCES	**22,436,871**	**22,436,871**
	MOBILIZATION		
180	STRATEGIC MOBILITY	405,496	405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379
	SUBTOTAL, MOBILIZATION	**607,224**	**607,224**
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	112,866	112,866
220	RECRUIT TRAINING	73,265	73,265
230	ONE STATION UNIT TRAINING	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683
280	TRAINING SUPPORT	652,095	652,095
290	RECRUITING AND ADVERTISING	507,510	507,510
300	EXAMINING	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477
330	JUNIOR ROTC	182,691	182,691
	SUBTOTAL, TRAINING AND RECRUITING	**5,058,610**	**5,058,610**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136
380	AMMUNITION MANAGEMENT	478,707	478,707
390	ADMINISTRATION	556,307	539,107
	GFEBS realignment per Army request		[–17,200]
400	SERVICEWIDE COMMUNICATIONS	1,547,925	1,547,925
410	MANPOWER MANAGEMENT	362,205	362,205
420	OTHER PERSONNEL SUPPORT	220,754	220,754
430	OTHER SERVICE SUPPORT	1,153,556	1,145,456
	Decrease for ahead of need request		[–8,100]
440	ARMY CLAIMS ACTIVITIES	250,970	250,970
450	REAL ESTATE MANAGEMENT	222,351	222,351
460	BASE OPERATIONS SUPPORT	222,379	222,379
470	SUPPORT OF NATO OPERATIONS	459,710	459,710
480	MISC. SUPPORT OF OTHER NATIONS	25,637	25,637
490	CLASSIFIED PROGRAMS	1,052,595	1,052,595
	SUBTOTAL, ADMIN & SRVWIDE ACTIVITIES	**8,505,887**	**8,480,587**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	UNDISTRIBUTED		
	UNDISTRIBUTED		**–120,000**
	Unobligated balances		[–120,000]
	TOTAL, OPERATION & MAINTENANCE, ARMY	**36,608,592**	**36,463,292**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,918,144	4,918,144
020	FLEET AIR TRAINING	1,886,825	1,886,825
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	44,032	44,032
040	AIR OPERATIONS AND SAFETY SUPPORT	101,565	101,565
050	AIR SYSTEMS SUPPORT	374,827	374,827
060	AIRCRAFT DEPOT MAINTENANCE	960,802	960,802
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,545	37,545
080	AVIATION LOGISTICS	328,805	328,805
090	MISSION AND OTHER SHIP OPERATIONS	4,686,535	4,686,535
100	SHIP OPERATIONS SUPPORT & TRAINING	769,204	769,204
110	SHIP DEPOT MAINTENANCE	5,089,981	5,089,981
120	SHIP DEPOT OPERATIONS SUPPORT	1,315,366	1,315,366
130	COMBAT COMMUNICATIONS	619,909	619,909
140	ELECTRONIC WARFARE	92,364	92,364
150	SPACE SYSTEMS AND SURVEILLANCE	174,437	174,437
160	WARFARE TACTICS	441,035	441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	333,554	333,554
180	COMBAT SUPPORT FORCES	910,087	910,087
190	EQUIPMENT MAINTENANCE	167,158	167,158
200	DEPOT OPERATIONS SUPPORT	4,183	4,183
210	COMBATANT COMMANDERS CORE OPERATIONS	95,528	95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	204,569	204,569
230	CRUISE MISSILE	111,884	111,884
240	FLEET BALLISTIC MISSILE	1,181,038	1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	87,606	87,606
260	WEAPONS MAINTENANCE	519,583	519,583
270	OTHER WEAPON SYSTEMS SUPPORT	300,435	300,435
280	ENTERPRISE INFORMATION	1,077,924	1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,101,279	2,101,279
300	BASE OPERATING SUPPORT	4,822,093	4,822,093
	SUBTOTAL, OPERATING FORCES	**33,758,297**	**33,758,297**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS	1,066,329	1,066,329
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	83,901	83,901
350	INDUSTRIAL READINESS	2,695	2,695
360	COAST GUARD SUPPORT	23,502	23,502
	SUBTOTAL, MOBILIZATION	**1,517,648**	**1,517,648**
	TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,807	147,807
380	RECRUIT TRAINING	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS	139,220	139,220
400	SPECIALIZED SKILL TRAINING	582,177	582,177
410	FLIGHT TRAINING	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION	170,746	170,746
430	TRAINING SUPPORT	153,403	153,403
440	RECRUITING AND ADVERTISING	241,329	241,329
450	OFF-DUTY AND VOLUNTARY EDUCATION	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING	105,776	105,776
470	JUNIOR ROTC	51,817	51,817
	SUBTOTAL, TRAINING AND RECRUITING	**1,716,430**	**1,716,430**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	797,177	797,177
490	EXTERNAL RELATIONS	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	235,753	235,753
520	OTHER PERSONNEL SUPPORT	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS	363,213	363,213
540	MEDICAL ACTIVITIES	0	0
550	SERVICEWIDE TRANSPORTATION	182,343	182,343
560	ENVIRONMENTAL PROGRAMS	0	0

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
570	PLANNING, ENGINEERING AND DESIGN	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,984	4,984
690	CANCELLED ACCOUNT ADJUSTMENTS	0	0
700	JUDGEMENT FUND	0	0
710	CLASSIFIED PROGRAMS	537,079	537,079
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**4,614,568**	**4,614,568**
	UNDISTRIBUTED		
	UNDISTRIBUTED		**–23,000**
	Unobligated balances		[–23,000]
	TOTAL, OPERATION & MAINTENANCE, NAVY	**41,606,943**	**41,583,943**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	788,055	788,055
020	FIELD LOGISTICS	762,614	762,614
030	DEPOT MAINTENANCE	168,447	168,447
040	MARITIME PREPOSITIONING	100,374	100,374
050	SUSTAINMENT, RESTORATION & MODERNIZATION	825,039	825,039
060	BASE OPERATING SUPPORT	2,188,883	2,188,883
	SUBTOTAL, OPERATING FORCES	**4,833,412**	**4,833,412**
	TRAINING AND RECRUITING		
070	RECRUIT TRAINING	18,251	18,251
080	OFFICER ACQUISITION	869	869
090	SPECIALIZED SKILL TRAINING	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION	42,744	42,744
110	TRAINING SUPPORT	292,150	292,150
120	RECRUITING AND ADVERTISING	168,609	168,609
130	OFF-DUTY AND VOLUNTARY EDUCATION	56,865	56,865
140	JUNIOR ROTC	19,912	19,912
	SUBTOTAL, TRAINING AND RECRUITING	**680,314**	**680,314**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT	83,404	83,404
180	CANCELLED ACCOUNT ADJUSTMENT	0	0
190	CLASSIFIED PROGRAMS	346,071	346,071
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**469,437**	**469,437**
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	**5,983,163**	**5,983,163**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,973,141	2,973,141
020	COMBAT ENHANCEMENT FORCES	1,611,032	1,611,032
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,472,806	1,472,806
040	DEPOT MAINTENANCE	5,545,470	5,545,470
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,353,987	1,353,987
060	BASE SUPPORT	2,595,032	2,595,032
070	GLOBAL C3I AND EARLY WARNING	957,040	957,040
080	OTHER COMBAT OPS SPT PROGRAMS	916,200	916,200
090	JCS EXERCISES	0	0
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	733,716	733,716
110	LAUNCH FACILITIES	314,490	314,490
120	SPACE CONTROL SYSTEMS	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	862,979
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429
	SUBTOTAL, OPERATING FORCES	**20,047,084**	**20,047,084**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS	154,049	154,049
170	DEPOT MAINTENANCE	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	309,699	309,699
190	BASE SUPPORT	707,574	707,574
	SUBTOTAL, MOBILIZATION	**4,434,097**	**4,434,097**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	115,427	115,427
210	RECRUIT TRAINING	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	336,433	336,433
240	BASE SUPPORT	842,441	842,441
250	SPECIALIZED SKILL TRAINING	482,634	482,634
260	FLIGHT TRAINING	750,609	750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION	235,114	235,114
280	TRAINING SUPPORT	101,231	101,231
290	DEPOT MAINTENANCE	233,330	233,330
300	JUDGEMENT FUND	0	0
310	RECRUITING AND ADVERTISING	130,217	130,217
320	EXAMINING	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING	175,147	175,147
350	JUNIOR ROTC	74,809	74,809
	SUBTOTAL, TRAINING AND RECRUITING	**3,745,868**	**3,745,868**
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES	913,843	913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	303,610	303,610
400	BASE SUPPORT	1,266,800	1,266,800
410	ADMINISTRATION	587,654	587,654
420	SERVICEWIDE COMMUNICATIONS	667,910	667,910
430	OTHER SERVICEWIDE ACTIVITIES	1,094,509	1,094,509
440	CIVIL AIR PATROL	23,904	23,904
450	JUDGEMENT FUND REIMBURSEMENT	0	0
470	INTERNATIONAL SUPPORT	81,307	81,307
480	CLASSIFIED PROGRAMS	1,239,040	1,239,040
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**7,208,311**	**7,208,311**
	UNDISTRIBUTED		
	UNDISTRIBUTED		**–32,000**
	Unobligated balances		[–32,000]
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	**35,435,360**	**35,403,360**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	485,708	485,708
020	SPECIAL OPERATIONS COMMAND	0	5,107,501
	Transfer from Line 025		[5,091,001]
	USSOCOM UFR		[16,500]
025	CLASSIFIED PROGRAMS	5,091,001	0
	Transfer to Line 020		[–5,091,001]
	SUBTOTAL, OPERATING FORCES	**5,576,709**	**5,593,209**
	TRAINING AND RECRUITING		
030	DEFENSE ACQUISITION UNIVERSITY	147,210	147,210
040	NATIONAL DEFENSE UNIVERSITY	84,999	84,999
	SUBTOTAL, TRAINING AND RECRUITING	**232,209**	**232,209**
	ADMIN & SRVWD ACTIVITIES		
050	CIVIL MILITARY PROGRAMS	161,294	161,294
070	DEFENSE BUSINESS TRANSFORMATION AGENCY	0	0
080	DEFENSE CONTRACT AUDIT AGENCY	573,973	573,973
090	DEFENSE CONTRACT MANAGEMENT AGENCY	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY	35,137	35,137
150	DEFENSE LOGISTICS AGENCY	431,893	431,893
160	DEFENSE MEDIA ACTIVITY	224,013	224,013
170	DEFENSE POW/MIA OFFICE	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY	557,917	540,317
	Program decrease—Defense Security Assessment		[–2,600]
	Program decrease—Global Train and Equip		[–15,000]
190	DEFENSE SECURITY SERVICE		506,662
	Transfer from Line 280		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY		443,382
	Transfer from Line 280		[443,382]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT	253,437	114,037
	Decrease for ahead of need request		[–139,400]
260	OFFICE OF THE SECRETARY OF DEFENSE	2,095,362	2,095,362
270	WASHINGTON HEADQUARTERS SERVICE	521,297	521,297
280	CLASSIFIED PROGRAMS	14,933,801	14,158,757
	Transfer to Line 190		[–506,662]
	Transfer to Line 210		[–443,382]
	Commercial imagery service level agreement		[125,000]
	Additional ISR Support to Operation Observant Compass		[50,000]
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**26,184,095**	**26,202,095**
	UNDISTRIBUTED		
	UNDISTRIBUTED		**5,000**
	Unobligated balances		[–25,000]
	Impact aid for schools with military dependent students		[25,000]
	Impact aid for children with severe disabilities		[5,000]
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	**31,993,013**	**32,032,513**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MANEUVER UNITS	1,391	1,391
020	MODULAR SUPPORT BRIGADES	20,889	20,889
030	ECHELONS ABOVE BRIGADE	592,724	592,724
040	THEATER LEVEL ASSETS	114,983	114,983
050	LAND FORCES OPERATIONS SUPPORT	633,091	633,091
060	AVIATION ASSETS	76,823	76,823
070	FORCE READINESS OPERATIONS SUPPORT	481,997	481,997
080	LAND FORCES SYSTEMS READINESS	70,118	70,118
090	LAND FORCES DEPOT MAINTENANCE	141,205	141,205
100	BASE OPERATIONS SUPPORT	561,878	561,878
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	287,399	287,399
120	MANAGEMENT AND OPERATIONAL HQ'S	52,431	52,431
130	ADDITIONAL ACTIVITIES	0	0
	SUBTOTAL, OPERATING FORCES	**3,034,929**	**3,034,929**
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	12,995	12,995
150	ADMINISTRATION	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS	4,895	4,895
170	MANPOWER MANAGEMENT	16,074	16,074
180	RECRUITING AND ADVERTISING	60,683	60,683
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**127,079**	**127,079**
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	**3,162,008**	**3,162,008**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	616,776	616,776
020	INTERMEDIATE MAINTENANCE	15,076	15,076
030	AIR OPERATIONS AND SAFETY SUPPORT	1,479	1,479
040	AIRCRAFT DEPOT MAINTENANCE	107,251	107,251
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	355	355
060	MISSION AND OTHER SHIP OPERATIONS	82,186	82,186
070	SHIP OPERATIONS SUPPORT & TRAINING	589	589
080	SHIP DEPOT MAINTENANCE	48,593	48,593
090	COMBAT COMMUNICATIONS	15,274	15,274
100	COMBAT SUPPORT FORCES	124,917	124,917
110	WEAPONS MAINTENANCE	1,978	1,978
120	ENTERPRISE INFORMATION	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	60,646	60,646
140	BASE OPERATING SUPPORT	105,227	105,227
	SUBTOTAL, OPERATING FORCES	**1,224,046**	**1,224,046**
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT	3,090	3,090
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**22,936**	**22,936**
	TOTAL, OPERATION & MAINTENANCE, NAVY RES	**1,246,982**	**1,246,982**
	OPERATION & MAINTENANCE, MC RESERVE		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	OPERATING FORCES		
010	OPERATING FORCES	89,690	89,690
020	DEPOT MAINTENANCE	16,735	16,735
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	37,913	37,913
040	BASE OPERATING SUPPORT	103,746	103,746
	SUBTOTAL, OPERATING FORCES	**248,084**	**248,084**
	ADMIN & SRVWD ACTIVITIES		
050	SERVICEWIDE TRANSPORTATION	873	873
060	ADMINISTRATION	14,330	14,330
070	RECRUITING AND ADVERTISING	8,998	8,998
080	CANCELLED ACCOUNT ADJUSTMENT	0	0
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**24,201**	**24,201**
	TOTAL, OPERATION & MAINTENANCE, MC RESERVE	**272,285**	**272,285**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,089,326	2,089,326
020	MISSION SUPPORT OPERATIONS	112,992	112,992
030	DEPOT MAINTENANCE	406,101	406,101
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	71,564	71,564
050	BASE SUPPORT	364,862	364,862
	SUBTOTAL, OPERATING FORCES	**3,044,845**	**3,044,845**
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	78,824	78,824
070	RECRUITING AND ADVERTISING	16,020	16,020
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,496	19,496
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,489	6,489
100	AUDIOVISUAL	808	808
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**121,637**	**121,637**
	TOTAL, OPERATION & MAINTENANCE, AF RESERVE	**3,166,482**	**3,166,482**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	680,206	680,206
020	MODULAR SUPPORT BRIGADES	186,408	186,408
030	ECHELONS ABOVE BRIGADE	865,628	865,628
040	THEATER LEVEL ASSETS	112,651	112,651
050	LAND FORCES OPERATIONS SUPPORT	36,091	36,091
060	AVIATION ASSETS	907,011	907,011
070	FORCE READINESS OPERATIONS SUPPORT	751,606	751,606
080	LAND FORCES SYSTEMS READINESS	60,043	60,043
090	LAND FORCES DEPOT MAINTENANCE	411,940	411,940
100	BASE OPERATIONS SUPPORT	995,423	995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	688,189	688,189
120	MANAGEMENT AND OPERATIONAL HQ'S	953,716	953,716
	SUBTOTAL, OPERATING FORCES	**6,648,912**	**6,648,912**
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	11,806	11,806
140	REAL ESTATE MANAGEMENT	1,656	1,656
150	ADMINISTRATION	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS	39,513	39,513
170	MANPOWER MANAGEMENT	7,224	7,224
180	RECRUITING AND ADVERTISING	310,143	310,143
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**459,700**	**459,700**
	TOTAL, OPERATION & MAINTENANCE, ARNG	**7,108,612**	**7,108,612**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,559,824	3,559,824
020	MISSION SUPPORT OPERATIONS	721,225	721,225
030	DEPOT MAINTENANCE	774,875	774,875
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	270,709	270,709
050	BASE SUPPORT	624,443	624,443
	SUBTOTAL, OPERATING FORCES	**5,951,076**	**5,951,076**
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	32,358	32,358
070	RECRUITING AND ADVERTISING	32,021	32,021
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**64,379**	**64,379**
	TOTAL, OPERATION & MAINTENANCE, ANG	**6,015,455**	**6,015,455**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,516	13,516
040	ACQ WORKFORCE DEV FD	274,198	274,198
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,759	108,759
030	COOPERATIVE THREAT REDUCTION	519,111	519,111
050	ENVIRONMENTAL RESTORATION, ARMY	335,921	335,921
060	ENVIRONMENTAL RESTORATION, NAVY	310,594	310,594
070	ENVIRONMENTAL RESTORATION, AIR FORCE	529,263	529,263
080	ENVIRONMENTAL RESTORATION, DEFENSE	11,133	11,133
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	237,543	237,543
	TOTAL, MISCELLANEOUS APPROPRIATIONS	**2,340,038**	**2,340,038**
	TOTAL, OPERATION & MAINTENANCE	**174,938,933**	**174,778,133**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
040	THEATER LEVEL ASSETS	2,758,162	2,758,162
050	LAND FORCES OPERATIONS SUPPORT	991,396	991,396
060	AVIATION ASSETS	40,300	40,300
070	FORCE READINESS OPERATIONS SUPPORT	1,755,445	1,755,445
080	LAND FORCES SYSTEMS READINESS	307,244	307,244
100	BASE OPERATIONS SUPPORT	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	12,524,137	12,524,137
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	400,000	200,000
	Program decrease		[–200,000]
160	RESET	3,687,973	3,687,973
	SUBTOTAL, OPERATING FORCES	**23,107,822**	**22,907,822**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES	129,000	129,000
380	AMMUNITION MANAGEMENT	78,022	78,022
420	OTHER PERSONNEL SUPPORT	137,277	97,277
	Transfer to OPA OCO Line 061 at SOUTHCOM request		[–40,000]
430	OTHER SERVICE SUPPORT	72,293	72,293
490	CLASSIFIED PROGRAMS	1,828,717	1,828,717
	SUBTOTAL, ADMIN & SRVWIDE ACTIVITIES	**5,483,619**	**5,443,619**
	TOTAL, OPERATION & MAINTENANCE, ARMY	**28,591,441**	**28,351,441**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	937,098	937,098
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,000	1,000
040	AIR OPERATIONS AND SAFETY SUPPORT	15,794	15,794
050	AIR SYSTEMS SUPPORT	19,013	19,013
060	AIRCRAFT DEPOT MAINTENANCE	201,912	201,912
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,000	3,000
080	AVIATION LOGISTICS	44,150	44,150
090	MISSION AND OTHER SHIP OPERATIONS	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING	24,774	24,774
110	SHIP DEPOT MAINTENANCE	1,310,010	1,310,010
130	COMBAT COMMUNICATIONS	42,965	42,965
160	WARFARE TACTICS	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	19,226	19,226
180	COMBAT SUPPORT FORCES	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	94,655	94,655
260	WEAPONS MAINTENANCE	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,218	3,218
300	BASE OPERATING SUPPORT	143,442	143,442
	SUBTOTAL, OPERATING FORCES	**5,329,365**	**5,329,365**
	MOBILIZATION		
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	31,395	31,395

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
360	COAST GUARD SUPPORT	254,461	254,461
	SUBTOTAL, MOBILIZATION	**285,856**	**285,856**
	TRAINING AND RECRUITING		
400	SPECIALIZED SKILL TRAINING	50,903	50,903
	SUBTOTAL, TRAINING AND RECRUITING	**50,903**	**50,903**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	1,377	1,377
490	EXTERNAL RELATIONS	487	487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,022	6,022
520	OTHER PERSONNEL SUPPORT	3,514	3,514
550	SERVICEWIDE TRANSPORTATION	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE	1,425	1,425
710	CLASSIFIED PROGRAMS	14,556	14,556
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**214,271**	**214,271**
	TOTAL, OPERATION & MAINTENANCE, NAVY	**5,880,395**	**5,880,395**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	1,921,258	1,921,258
020	FIELD LOGISTICS	1,094,028	1,094,028
030	DEPOT MAINTENANCE	222,824	222,824
060	BASE OPERATING SUPPORT	88,690	88,690
	SUBTOTAL, OPERATING FORCES	**3,326,800**	**3,326,800**
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	215,212	215,212
	SUBTOTAL, TRAINING AND RECRUITING	**215,212**	**215,212**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	512,627	512,627
190	CLASSIFIED PROGRAMS	11,701	11,701
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**524,328**	**524,328**
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	**4,066,340**	**4,066,340**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,494,144	1,494,144
020	COMBAT ENHANCEMENT FORCES	809,531	809,531
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	13,095	13,095
040	DEPOT MAINTENANCE	1,403,238	1,403,238
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	155,954	155,954
060	BASE SUPPORT	342,226	342,226
070	GLOBAL C3I AND EARLY WARNING	15,108	15,108
080	OTHER COMBAT OPS SPT PROGRAMS	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	25,400	25,400
120	SPACE CONTROL SYSTEMS	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	52,173	52,173
	SUBTOTAL, OPERATING FORCES	**4,587,369**	**4,587,369**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS	43,509	43,509
170	DEPOT MAINTENANCE	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,431	4,431
190	BASE SUPPORT	9,256	9,256
	SUBTOTAL, MOBILIZATION	**3,799,350**	**3,799,350**
	TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	424	424
240	BASE SUPPORT	1,036	1,036
250	SPECIALIZED SKILL TRAINING	10,923	10,923
260	FLIGHT TRAINING	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION	323	323
280	TRAINING SUPPORT	352	352
	SUBTOTAL, TRAINING AND RECRUITING	**13,130**	**13,130**
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	47,200	47,200
400	BASE SUPPORT	7,242	7,242
410	ADMINISTRATION	1,552	1,552

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
420	SERVICEWIDE COMMUNICATIONS	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES	582,977	582,977
480	CLASSIFIED PROGRAMS	20,270	20,270
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**841,764**	**841,764**
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	**9,241,613**	**9,241,613**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	2,000	2,000
020	SPECIAL OPERATIONS COMMAND	2,503,060	2,503,060
	SUBTOTAL, OPERATING FORCES	**2,505,060**	**2,505,060**
	ADMIN & SRVWD ACTIVITIES		
080	DEFENSE CONTRACT AUDIT AGENCY	30,674	30,674
090	DEFENSE CONTRACT MANAGEMENT AGENCY	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY	102,322	102,322
160	DEFENSE MEDIA ACTIVITY	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	2,200,000
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE	87,805	87,805
280	CLASSIFIED PROGRAMS	2,522,003	2,522,003
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**5,319,519**	**5,319,519**
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	**7,824,579**	**7,824,579**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
030	ECHELONS ABOVE BRIGADE	78,600	78,600
050	LAND FORCES OPERATIONS SUPPORT	20,811	20,811
070	FORCE READINESS OPERATIONS SUPPORT	20,726	20,726
100	BASE OPERATIONS SUPPORT	34,400	34,400
	SUBTOTAL, OPERATING FORCES	**154,537**	**154,537**
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	**154,537**	**154,537**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	24,834	24,834
020	INTERMEDIATE MAINTENANCE	300	300
040	AIRCRAFT DEPOT MAINTENANCE	13,364	13,364
060	MISSION AND OTHER SHIP OPERATIONS	8,213	8,213
080	SHIP DEPOT MAINTENANCE	929	929
100	COMBAT SUPPORT FORCES	8,244	8,244
140	BASE OPERATING SUPPORT	40	40
	SUBTOTAL, OPERATING FORCES	**55,924**	**55,924**
	TOTAL, OPERATION & MAINTENANCE, NAVY RES	**55,924**	**55,924**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	22,657	22,657
040	BASE OPERATING SUPPORT	2,820	2,820
	SUBTOTAL, OPERATING FORCES	**25,477**	**25,477**
	TOTAL, OPERATION & MAINTENANCE, MC RESERVE	**25,477**	**25,477**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	7,600	7,600
030	DEPOT MAINTENANCE	106,768	106,768
050	BASE SUPPORT	6,250	6,250
	SUBTOTAL, OPERATING FORCES	**120,618**	**120,618**
	TOTAL, OPERATION & MAINTENANCE, AF RESERVE	**120,618**	**120,618**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	38,485	38,485
020	MODULAR SUPPORT BRIGADES	1,959	1,959
030	ECHELONS ABOVE BRIGADE	20,076	20,076
040	THEATER LEVEL ASSETS	2,028	2,028
060	AVIATION ASSETS	183,811	183,811
070	FORCE READINESS OPERATIONS SUPPORT	43,780	43,780
100	BASE OPERATIONS SUPPORT	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S	20,072	20,072

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	SUBTOTAL, OPERATING FORCES	**380,448**	**380,448**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE COMMUNICATIONS	2,000	2,000
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**2,000**	**2,000**
	TOTAL, OPERATION & MAINTENANCE, ARNG	**382,448**	**382,448**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	19,975	19,975
	SUBTOTAL, OPERATING FORCES	**19,975**	**19,975**
	TOTAL, OPERATION & MAINTENANCE, ANG	**19,975**	**19,975**
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	SUSTAINMENT	2,523,825	2,523,825
020	INFRASTRUCTURE	190,000	190,000
030	EQUIPMENT AND TRANSPORTATION	241,521	241,521
040	TRAINING AND OPERATIONS	758,380	758,380
	SUBTOTAL, MINISTRY OF DEFENSE	**3,713,726**	**3,713,726**
	MINISTRY OF INTERIOR		
050	SUSTAINMENT	1,305,950	1,305,950
060	INFRASTRUCTURE	50,000	50,000
070	EQUIPMENT AND TRANSPORTATION	84,859	84,859
080	TRAINING AND OPERATIONS	569,868	569,868
	SUBTOTAL, MINISTRY OF INTERIOR	**2,010,677**	**2,010,677**
	RELATED ACTIVITIES		
090	SUSTAINMENT	18,325	18,325
100	INFRASTRUCTUE	1,200	1,200
110	EQUIPMENT & TRANSPORTATION	1,239	1,239
120	TRAINING AND OPERATIONS	4,000	4,000
	SUBTOTAL, RELATED ACTIVITIES	**24,764**	**24,764**
	TOTAL, AFGHANISTAN SECURITY FORCES FUND	**5,749,167**	**5,749,167**
	AFGHANISTAN INFRASTRUCTURE FUND		
010	POWER	400,000	350,000
	Program decrease		[–50,000]
	TOTAL, AFGHANISTAN INFRASTRUCTURE FUND	**400,000**	**350,000**
	TOTAL, OPERATION & MAINTENANCE	**62,512,514**	**62,222,514**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2013 Request	Senate Authorized
MILITARY PERSONNEL	135,111,799	135,117,799
BAH for Full-time Guard Transition to Active Duty		[6,000]
TOTAL, MILITARY PERSONNEL	**135,111,799**	**135,117,799**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2013 Request	Senate Authorized
MILITARY PERSONNEL	14,060,094	14,060,094
TOTAL, MILITARY PERSONNEL	**14,060,094**	**14,060,094**

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	WORKING CAPITAL FUND, ARMY		
010	PREPOSITIONED WAR RESERVE STOCKS	60,037	60,037
	TOTAL, WORKING CAPITAL FUND, ARMY	**60,037**	**60,037**
	WORKING CAPITAL FUND, AIR FORCE		
010	C–17 CLS ENGINE REPAIR	0	0
020	TRANSPORTATION FALLEN HEROES	0	0
040	SUPPLIES AND MATERIALS (MEDICAL/DENTAL)	45,452	45,452
	TOTAL, WORKING CAPITAL FUND, AIR FORCE	**45,452**	**45,452**
	WORKING CAPITAL FUND, DEFENSE-WIDE		
010	DEFENSE LOGISTICS AGENCY (DLA)	39,135	39,135
	TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE	**39,135**	**39,135**
	WORKING CAPITAL FUND, DECA		
010	WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
	TOTAL, WORKING CAPITAL FUND, DECA	**1,371,560**	**1,371,560**
	NATIONAL DEFENSE SEALIFT FUND		
010	T–AKE	0	0
020	MPF MLP	38,000	38,000
030	POST DELIVERY AND OUTFITTING	39,386	39,386
040	NATIONAL DEF SEALIFT VESSEL	0	0
050	LG MED SPD RO/RO MAINTENANCE	128,819	128,819
060	DOD MOBILIZATION ALTERATIONS	26,598	26,598
070	TAH MAINTENANCE	29,199	29,199
080	RESEARCH AND DEVELOPMENT	42,811	42,811
090	READY RESERVE FORCE	303,323	303,323
100	MARAD SHIP FINANCING GUARANTEE PROGRAM	0	0
	TOTAL, NATIONAL DEFENSE SEALIFT FUND	**608,136**	**608,136**
	DEFENSE HEALTH PROGRAM		
	DHP, OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	8,625,507	8,625,507
020	PRIVATE SECTOR CARE	16,148,263	16,148,263
030	CONSOLIDATED HEALTH SUPPORT	2,309,185	2,309,185
040	INFORMATION MANAGEMENT	1,465,328	1,465,328
050	MANAGEMENT ACTIVITIES	332,121	332,121
060	EDUCATION AND TRAINING	722,081	722,081
070	BASE OPERATIONS/COMMUNICATIONS	1,746,794	1,746,794
070A	UNDISTRIBUTED		452,000

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	Restore DOD assumed Savings for TRICARE Proposals		[452,000]
	SUBTOTAL, DHP, OPERATION & MAINTENANCE	**31,349,279**	**31,801,279**
	DHP, RDT&E		
080	DEFENSE HEALTH PROGRAM	672,977	672,977
	SUBTOTAL, DHP, RDT&E	**672,977**	**672,977**
	DHP, PROCUREMENT		
090	DEFENSE HEALTH PROGRAM	506,462	506,462
	SUBTOTAL, DHP, PROCUREMENT		
	TOTAL, DEFENSE HEALTH PROGRAM	**32,528,718**	**32,980,718**
	CHEM AGENTS & MUNITIONS DESTRUCTION		
001	OPERATION & MAINTENANCE	635,843	635,843
002	RDT&E	647,351	647,351
003	PROCUREMENT	18,592	18,592
	TOTAL, CHEM AGENTS & MUNITIONS DESTRUCTION	**1,301,786**	**1,301,786**
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
010	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	889,545	863,645
	Transfer to Demand Reduction Program		[–25,900]
020	DRUG DEMAND REDUCTION PROGRAM	109,818	135,718
	Expanded drug testing		[25,900]
	TOTAL, DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**999,363**	**999,363**
	OFFICE OF THE INSPECTOR GENERAL		
010	OPERATION & MAINTENANCE	272,821	331,921
	DoD IG growth plan		[59,100]
020	RDT&E	0	0
030	PROCUREMENT	1,000	1,000
	TOTAL, OFFICE OF THE INSPECTOR GENERAL	**273,821**	**332,921**
	TOTAL, OTHER AUTHORIZATIONS	**37,228,008**	**37,739,108**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	WORKING CAPITAL FUND, ARMY		
010	PREPOSITIONED WAR RESERVE STOCKS	42,600	42,600
	TOTAL, WORKING CAPITAL FUND, ARMY	**42,600**	**42,600**
	WORKING CAPITAL FUND, AIR FORCE		
010	C–17 CLS ENGINE REPAIR	230,400	230,400
020	TRANSPORTATION FALLEN HEROES	10,000	10,000
	TOTAL, WORKING CAPITAL FUND, AIR FORCE	**240,400**	**240,400**
	WORKING CAPITAL FUND, DEFENSE-WIDE		
010	DEFENSE LOGISTICS AGENCY (DLA)	220,364	220,364
	TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE	**220,364**	**220,364**
	DEFENSE HEALTH PROGRAM		
	DHP, OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	483,326	483,326
020	PRIVATE SECTOR CARE	376,982	376,982
030	CONSOLIDATED HEALTH SUPPORT	111,675	111,675
040	INFORMATION MANAGEMENT	4,773	4,773
050	MANAGEMENT ACTIVITIES	660	660
060	EDUCATION AND TRAINING	15,370	15,370
070	BASE OPERATIONS/COMMUNICATIONS	1,112	1,112
	SUBTOTAL, DHP, OPERATION & MAINTENANCE		
	TOTAL, DEFENSE HEALTH PROGRAM	**993,898**	**993,898**
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
010	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	469,025	469,025
	TOTAL, DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**469,025**	**469,025**
	OFFICE OF THE INSPECTOR GENERAL		
010	OPERATION & MAINTENANCE	10,766	10,766
	TOTAL, OFFICE OF THE INSPECTOR GENERAL	**10,766**	**10,766**
	TOTAL, OTHER AUTHORIZATIONS	**1,977,053**	**1,977,053**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
ARMY Milcon				
	Alaska			
ARMY	Fort Wainwright	Modified Record Fire Range	10,400	10,400
ARMY	Joint Base Elmendorf-Richardson	Modified Record Fire Range	7,900	7,900
	California			
ARMY	Concord	Lightning Protection System	5,800	5,800
ARMY	Concord	Engineering/Housing Maintenance Shop	3,100	3,100
	Colorado			
ARMY	Fort Carson, Colorado	Digital Multipurpose Training Range	18,000	18,000
	District of Columbia			
ARMY	Fort McNair	Vehicle Storage Building, Installation	7,200	7,200
	Georgia			
ARMY	Fort Benning	Ground Source Heat Transfer System	16,000	16,000
ARMY	Fort Gordon	Modified Record Fire Range	4,000	4,000
ARMY	Fort Gordon	Multipurpose Machine Gun Range	7,100	7,100
ARMY	Fort Gordon	Ground Source Heat Transfer System	12,200	12,200
ARMY	Fort Stewart, Georgia	Digital Multipurpose Training Range	22,000	22,000
ARMY	Fort Stewart, Georgia	Automated Combat Pistol Qual Crse	3,650	3,650
ARMY	Fort Stewart, Georgia	Unmanned Aerial Vehicle Complex	24,000	24,000
	Hawaii			
ARMY	Pohakuloa Training Area	Automated Infantry Platoon Battle Course	29,000	29,000
ARMY	Schofield Barracks	Barracks	41,000	41,000
ARMY	Schofield Barracks	Barracks	55,000	55,000
ARMY	Wheeler Army Air Field	Combat Aviation Brigade Barracks	85,000	85,000
	Kansas			
ARMY	Fort Riley, Kansas	Unmanned Aerial Vehicle Complex	12,200	12,200
	Kentucky			
ARMY	Fort Campbell, Kentucky	Battalion Headquarters Complex	55,000	55,000
ARMY	Fort Campbell, Kentucky	Live Fire Exercise Shoothouse	3,800	3,800
ARMY	Fort Campbell, Kentucky	Unmanned Aerial Vehicle Complex	23,000	23,000
ARMY	Fort Knox	Automated Infantry Squad Battle Course	6,000	6,000
	Missouri			
ARMY	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2	58,000	58,000
ARMY	Fort Leonard Wood	Vehicle Maintenance Shop	39,000	39,000
ARMY	Fort Leonard Wood	Battalion Complex Facilities	26,000	26,000
	New Jersey			
ARMY	Picatinny Arsenal	Ballistic Evaluation Center	10,200	10,200
ARMY	Joint Base McGuire-Dix-Lakehurst	Flight Equipment Complex	47,000	47,000
	New York			
ARMY	Fort Drum, New York	Aircraft Maintenance Hangar	95,000	95,000
ARMY	U.S. Military Academy	Cadet Barracks	192,000	0
	North Carolina			
ARMY	Fort Bragg	Aerial Gunnery Range	42,000	42,000
ARMY	Fort Bragg	Infrastructure	30,000	0
ARMY	Fort Bragg	Unmanned Aerial Vehicle Complex	26,000	26,000
	Oklahoma			
ARMY	Fort Sill	Modified Record Fire Range	4,900	4,900
	South Carolina			
ARMY	Fort Jackson	Trainee Barracks Complex 2, Ph 2	24,000	24,000
	Texas			
ARMY	Corpus Christi	Aircraft Component Maintenance Shop	13,200	13,200
ARMY	Corpus Christi	Aircraft Paint Shop	24,000	24,000
ARMY	Fort Bliss	Multipurpose Machine Gun Range	7,200	7,200
ARMY	Fort Hood, Texas	Modified Record Fire Range	4,200	4,200
ARMY	Fort Hood, Texas	Training Aids Center	25,000	25,000
ARMY	Fort Hood, Texas	Unmanned Aerial Vehicle Complex	22,000	22,000
ARMY	Joint Base San Antonio	Barracks	21,000	21,000
	Virginia			
ARMY	Arlington	Cemetery Expansion Millennium Site	84,000	0
ARMY	Fort Belvoir	Secure Admin/Operations Facility	94,000	94,000
ARMY	Fort Lee	Adv Individual Training Barracks Cplx, Ph2	81,000	81,000
	Washington			
ARMY	Yakima	Convoy Live Fire Range	5,100	5,100
ARMY	Joint Base Lewis-McChord	Battalion Complex	73,000	73,000
ARMY	Joint Base Lewis-McChord	Waste Water Treatment Plant	91,000	91,000
	Italy			
ARMY	Camp Ederle	Barracks	36,000	36,000
ARMY	Vicenza	Simulations Center	32,000	32,000
	Japan			
ARMY	Okinawa	Satellite Communications Facility	78,000	78,000
ARMY	Sagami	Vehicle Maintenance Shop	18,000	18,000
	Korea			
ARMY	Camp Humphreys	Battalion Headquarters Complex	45,000	45,000
	Worldwide Unspec			
ARMY	Unspecified Worldwide Locations	Minor Construction FY 13	25,000	25,000
ARMY	Unspecified Worldwide Locations	Host Nation Support FY 13	34,000	34,000
ARMY	Unspecified Worldwide Locations	Planning and Design FY13	65,173	46,173
Milcon, A—SUBTOTAL			**1,923,323**	**1,598,323**
NAVY Milcon				
	Arizona			
NAVY	Yuma	Security Operations Complex	13,300	13,300

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
NAVY	Yuma	Combat Aircraft Loading Apron	15,985	15,985
	California			
NAVY	Camp Pendleton, California	Comm. Information Systems Ops Complex	78,897	78,897
NAVY	Camp Pendleton, California	San Jacinto Road Extension	5,074	5,074
NAVY	Camp Pendleton, California	MV22 Aviation Simulator Building	4,139	4,139
NAVY	Ventura County	BAMS Maintenance Training Facility	14,843	12,790
NAVY	Miramar	Hangar 5 Renovations & Addition	27,897	27,897
NAVY	San Diego	Entry Control Point (Gate Five)	11,752	11,752
NAVY	San Diego	LCS Training Facility	59,436	59,436
NAVY	Seal Beach	Strategic Systems Weapons Eval. Test Lab	30,594	30,594
NAVY	Twentynine Palms, California	Land Expansion Phase 2	47,270	47,270
NAVY	Coronado	Bachelor Quarters	76,063	76,063
NAVY	Coronado	H–60S Simulator Training Facility	2,478	2,478
	Florida			
NAVY	Jacksonville	BAMS Mission Control Complex	21,980	21,980
	Hawaii			
NAVY	Kaneohe Bay	MV–22 Hangar and Infrastructure	82,630	82,630
NAVY	Kaneohe Bay	Aircraft Staging Area	14,680	14,680
	Mississippi			
NAVY	Meridian	Dining Facility	10,926	10,926
	New Jersey			
NAVY	Earle	Combat System Engineering Building Addition	33,498	33,498
	North Carolina			
NAVY	Camp Lejeune, North Carolina	Staff NCO Academy Facilities	28,986	28,986
NAVY	Camp Lejeune, North Carolina	Base Access and Road—Phase 3	40,904	40,904
NAVY	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound	34,310	34,310
NAVY	Cherry Point Marine Corps Air Station	Armory	11,581	11,581
NAVY	New River	Personnel Administration Center	8,525	8,525
	South Carolina			
NAVY	Beaufort	Ground Support Equipment Shop	9,465	9,465
NAVY	Beaufort	Simulated LHD Flight Deck	12,887	12,887
NAVY	Beaufort	Recycling/Hazardous Waste Facility	3,743	3,743
NAVY	Beaufort	Aircraft Maintenance Hangar	42,010	42,010
NAVY	Beaufort	Airfield Security Upgrades	13,675	13,675
NAVY	Parris Island	Front Gate ATFP Improvements	10,135	10,135
	Virginia			
NAVY	Dahlgren	Cruiser/Destroyer Upgrade Training Facility	16,494	16,494
NAVY	Dahlgren	Physical Fitness Center	11,734	11,734
NAVY	Oceana Naval Air Station	A School Barracks	39,086	39,086
NAVY	Portsmouth	Drydock 8 Electrical Distribution Upgrade	32,706	32,706
NAVY	Quantico	The Basic School Student Quarters—Phase 7	31,012	31,012
NAVY	Quantico	Infrastructure—Widen Russell Road	14,826	14,826
NAVY	Quantico	Weapons Training Battalion Mess Hall	12,876	12,876
NAVY	Yorktown	Regimental Headquarters	11,015	11,015
NAVY	Yorktown	Bachelor Enlisted Quarters	18,422	18,422
NAVY	Yorktown	Motor Transportation Facility	6,188	6,188
NAVY	Yorktown	Supply Warehouse Facility	8,939	8,939
NAVY	Yorktown	Armory	4,259	4,259
	Washington			
NAVY	Whidbey Island	EA–18G Flight Simulator Facility	6,272	6,272
NAVY	Kitsap	Explosives Handling Wharf #2 (INC)	280,041	254,241
	Bahrain Island			
NAVY	SW Asia	Transient Quarters	41,529	41,529
NAVY	SW Asia	Combined Dining Facility	9,819	9,819
	Diego Garcia			
NAVY	Diego Garcia	Communications Infrastructure	1,691	1,691
	Greece			
NAVY	Souda Bay	Aircraft Parking Apron Expansion	20,493	20,493
NAVY	Souda Bay	Intermodal Access Road	4,630	4,630
	Guam			
NAVY	Joint Region Marianas	North Ramp Parking (Andersen AFB)—INC 2	25,904	0
	Japan			
NAVY	Iwakuni	Maintenance Hangar Improvements	5,722	5,722
NAVY	Iwakuni	Vertical Take-Off and Landing Pad North	7,416	7,416
NAVY	Okinawa	Bachelor Quarters	8,206	8,206
	Romania			
NAVY	Deveselu, Romania	AEGIS Ashore Missile Defense Complex	45,205	45,205
	Spain			
NAVY	Rota	General Purpose Warehouse	3,378	3,378
NAVY	Rota	High Explosive Magazine	13,837	13,837
	Worldwide Unspec			
NAVY	Various Worldwide Locations	BAMS Operational Facilities	34,048	34,048
	Djibouti			
NAVY	Camp Lemonier, Djibouti	Containerized Living and Work Units	7,510	7,510
NAVY	Camp Lemonier, Djibouti	Galley Addition and Warehouse	22,220	22,220
NAVY	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility	42,730	42,730
NAVY	Camp Lemonier, Djibouti	Fitness Center	26,960	26,960
	Worldwide Unspec			
NAVY	Unspecified Worldwide Locations	Unspecified Minor Construction	16,535	16,535
NAVY	Unspecified Worldwide Locations	MCON Design Funds	102,619	102,619
Milcon, N—SUBTOTAL			**1,701,985**	**1,648,228**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
AF Milcon				
	Arkansas			
AF	Little Rock AFB	C–130J Fuel Systems Maintenance Hangar	26,000	26,000
AF	Little Rock AFB	C–130J Flight Simulator Addition	4,178	4,178
	Florida			
AF	Tyndall AFB	F–22 ADAL Hangar for Low Observable/Composite	14,750	14,750
	Georgia			
AF	Fort Stewart, Georgia	Air Support Operations Center (ASOC)	7,250	7,250
AF	Moody AFB	HC–130J Simulator Facility	8,500	8,500
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Incr 2	161,000	128,000
	New Mexico			
AF	Holloman AFB	MQ–9 Maintenance Hangar	25,000	25,000
	North Dakota			
AF	Minot AFB	B–52 Add/Alter Munitions AGE Facility	4,600	4,600
	Texas			
AF	Joint Base San Antonio	Dormitory (144 Rm)	18,000	18,000
	Utah			
AF	Hill AFB	F–35 ADAL Hangar 45W/AMU	7,250	7,250
AF	Hill AFB	F–35 Modular Storage Magazines	2,280	2,280
AF	Hill AFB	F–35 ADAL Building 118 for Flight Simulator	4,000	4,000
	Greenland			
AF	Thule Ab	Dormitory (48 PN)	24,500	24,500
	Italy			
AF	Aviano Ab	F–16 Mission Training Center	9,400	9,400
	Worldwide Unspec			
AF	Unspecified Worldwide Locations	Transient Contingency Dormitory—100 Rm	17,625	0
AF	Unspecified Worldwide Locations	Transient Aircraft Hangars	15,032	0
AF	Unspecified Worldwide Locations	Sanitary Sewer Lift/Pump Station	2,000	2,000
AF	Various Worldwide Locations	Unspecified Minor Construction	18,200	18,200
AF	Unspecified Worldwide Locations	Planning and Design	18,635	18,635
Milcon, AF—SUBTOTAL			**388,200**	**322,543**
DEF-WIDE Milcon				
	Belgium			
DEFW	Brussels	NATO Headquarters Facility	26,969	26,969
	Worldwide Unspec			
DEFW	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
DEFW	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
	Texas			
DFAS	Red River Army Depot	DFAS Facility	16,715	16,715
	Illinois			
DISA	Scott AFB	DISA Facility Upgrades	84,111	84,111
	Germany			
DISA	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,413	2,413
	Arizona			
DLA	Yuma	Truck Unload Facility	1,300	1,300
	California			
DLA	Def Fuel Support Point—San Diego	Replace Fuel Pier	91,563	91,563
DLA	Edwards Air Force Base	Replace Fuel Storage	27,500	27,500
	Delaware			
DLA	Dover AFB	Replace Truck Off-Load Facility	2,000	2,000
	Florida			
DLA	Hurlburt Field	Construct Fuel Storage Facility	16,000	16,000
	Indiana			
DLA	Grissom ARB	Replace Hydrant Fuel System	26,800	26,800
	Louisiana			
DLA	Barksdale AFB	Upgrade Pumphouse	11,700	11,700
	North Carolina			
DLA	Seymour Johnson AFB	Replace Pipeline	1,850	1,850
	Pennsylvania			
DLA	Def Dist Depot New Cumberland	Replace Sewage Treatment Plant	6,300	6,300
DLA	Def Dist Depot New Cumberland	Replace Communications Building	6,800	6,800
DLA	Def Dist Depot New Cumberland	Replace Reservoir	4,300	4,300
	Guam			
DLA	Andersen AFB	Upgrade Fuel Pipeline	67,500	0
	Guantanamo Bay, Cuba			
DLA	Guantanamo Bay	Replace Truck Load Facility	2,600	2,600
DLA	Guantanamo Bay	Replace Fuel Pier	37,600	37,600
	Kentucky			
DODEA	Fort Campbell, Kentucky	Replace Barkley Elementary School	41,767	41,767
	Germany			
DODEA	Vogelweh	Replace Vogelweh Elementary School	61,415	61,415
DODEA	Weisbaden	Weisbaden High School Addition	52,178	52,178
	Japan			
DODEA	Camp Zama	Renovate Zama High School	13,273	13,273
DODEA	Kadena AB	Replace Elementary School	71,772	71,772
DODEA	Kadena AB	Replace Stearley Heights Elementary School	71,773	71,773
DODEA	Zukeran	Replace Zukeran Elementary School	79,036	79,036
DODEA	Sasebo	Replace Sasebo Elementary School	35,733	35,733
	Korea			
DODEA	Osan AFB	Replace Osan Elementary School	42,692	42,692

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
	United Kingdom			
DODEA	RAF Feltwell	Feltwell Elementary School Addition	30,811	30,811
DODEA	Menwith Hill Station	Replace Menwith Hill Elementary/High School	46,488	46,488
	New York			
MDA	Fort Drum, New York	IDT Complex	25,900	25,900
	Romania			
MDA	Deveselu, Romania	Aegis Ashore Missile Defense System Complex	157,900	157,900
	Colorado			
NSA	Buckley Air Force Base	Denver Power House	30,000	30,000
	Maryland			
NSA	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1	25,000	25,000
NSA	Fort Meade	High Performance Computing Center Inc 2	300,521	225,521
	Utah			
NSA	Camp Williams	IC CNCI Data Center 1 Inc 4	191,414	191,414
	United Kingdom			
NSA	Menwith Hill Station	MHS Utilities and Roads	3,795	3,795
	California			
SOCOM	Coronado	SOF Indoor Dynamic Shooting Facility	31,170	31,170
SOCOM	Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac	13,969	13,969
SOCOM	Coronado	SOF Mobile Comm Detachment Support Facility	10,120	10,120
	Colorado			
SOCOM	Fort Carson, Colorado	SOF Battalion Operations Complex	56,673	56,673
	Florida			
SOCOM	Eglin AFB	SOF AVFID Ops and Maintenance Facilities	41,695	41,695
SOCOM	Macdill AFB	SOF Joint Special Ops University Fac (JSOU)	34,409	34,409
	Hawaii			
SOCOM	Joint Base Pearl Harbor-Hickam	SOF SDVT–1 Waterfront Operations Facility	24,289	24,289
	Kentucky			
SOCOM	Fort Campbell, Kentucky	SOF Landgraf Hangar Extension	3,559	3,559
SOCOM	Fort Campbell, Kentucky	SOF Ground Support Battalion	26,313	26,313
	New Mexico			
SOCOM	Cannon AFB	SOF AC–130J Combat Parking Apron	22,062	22,062
	North Carolina			
SOCOM	Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities	53,399	53,399
SOCOM	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac	5,465	5,465
SOCOM	Fort Bragg	SOF Support Addition	3,875	3,875
SOCOM	Fort Bragg	SOF Battalion Operations Facility	40,481	50,481
SOCOM	Fort Bragg	SOF Civil Affairs Battalion Complex	31,373	41,373
SOCOM	Fort Bragg	SOF Sustainment Brigade Complex	24,693	34,693
	Virginia			
SOCOM	Joint Exp Base Little Creek—Story	SOF Combat Services Support Facility—East	11,132	11,132
	Washington			
SOCOM	Fort Lewis	SOF Military Working Dog Kennel	3,967	3,967
SOCOM	Fort Lewis	SOF Battalion Operations Facility	46,553	46,553
	Conus Classified			
SOCOM	Classified Location	SOF Parachute Training Facility	6,477	6,477
	United Kingdom			
SOCOM	RAF Mildenhall	SOF CV–22 Simulator Facility	6,490	6,490
	California			
TMA	Twentynine Palms, California	Medical Clinic Replacement	27,400	27,400
	Colorado			
TMA	Pikes Peak	High Altitude Medical Research Lab	3,600	3,600
	Illinois			
TMA	Great Lakes	Drug Laboratory Replacement	28,700	28,700
TMA	Scott AFB	Medical Logistics Warehouse	2,600	2,600
	Maryland			
TMA	Annapolis	Health Clinic Replacement	66,500	66,500
TMA	Bethesda Naval Hospital	Temporary Medical Facilities	26,600	26,600
TMA	Bethesda Naval Hospital	Base Installation Access/Appearance Plan	7,000	0
TMA	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers	35,600	35,600
TMA	Fort Detrick	USAMRIID Stage I, Incr 7	19,000	19,000
	Missouri			
TMA	Fort Leonard Wood	Dental Clinic	18,100	18,100
	New Mexico			
TMA	Cannon AFB	Medical/Dental Clinic Replacement	71,023	71,023
	New York			
TMA	Fort Drum, New York	Soldier Specialty Care Clinic	17,300	17,300
	North Carolina			
TMA	Camp Lejeune, North Carolina	Medical Clinic Replacement	21,200	21,200
TMA	Seymour Johnson AFB	Medical Clinic Replacement	53,600	53,600
	South Carolina			
TMA	Shaw AFB	Medical Clinic Replacement	57,200	57,200
	Texas			
TMA	Fort Bliss	Hospital Replacement Incr 4	207,400	107,400
TMA	Joint Base San Antonio	Ambulatory Care Center Phase 3 Incr	80,700	80,700
	Virginia			
TMA	Norfolk	Veterinary Facility Replacement	8,500	8,500
	Germany			
TMA	Rhine Ordnance Barracks	Medical Center Replacement Incr 2	127,000	127,000
	Korea			
TMA	Kunsan Air Base	Medical/Dental Clinic Addition	13,000	13,000
TMA	Osan AFB	Hospital Addition/Alteration	34,600	34,600
	Worldwide Unspec			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
DEFW	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
DLA	Unspecified Worldwide Locations	Unspecified Minor Construction	7,254	7,254
DODEA	Unspecified Worldwide Locations	Unspecified Minor Construction	4,091	4,091
NSA	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,000	3,000
SOCOM	Unspecified Worldwide Locations	Unspecified Minor Const	10,000	10,000
TJS	Unspecified Worldwide Locations	Exercise Related Minor Construction	6,440	6,440
TMA	Unspecified Worldwide Locations	Minor Construction	5,000	5,000
DEFW	Unspecified Worldwide Locations	Planning and Design	47,978	47,978
DIA	Unspecified Worldwide Locations	Planning and Design	2,919	2,919
DLA	Unspecified Worldwide Locations	Planning & Design	5,000	5,000
DODEA	Unspecified Worldwide Locations	Planning and Design	105,569	105,569
MDA	Unspecified Worldwide Locations	Planning and Design	4,548	4,548
NSA	Unspecified Worldwide Locations	Planning and Design	8,300	8,300
SOCOM	Unspecified Worldwide Locations	Planning and Design	27,620	27,620
TMA	Unspecified Worldwide Locations	Planning and Design	105,700	105,700
WHS	Unspecified Worldwide Locations	Planning and Design	7,928	7,928
Milcon,Def-Wide—SUBTOTAL			**3,654,623**	**3,435,123**
Services MILCON—TOTAL			**7,668,131**	**7,004,217**
MCon,Army NG				
	Alabama			
ARMY, NG	Fort McClellan	Live Fire Shoot House	5,400	5,400
	Arkansas			
ARMY, NG	Searcy	Field Maintenance Shop	6,800	6,800
	California			
ARMY, NG	Fort Irwin	Maneuver Area Training & Equipment Site Ph3	25,000	25,000
	Connecticut			
ARMY, NG	Camp Hartell	Combined Support Maintenance Shop	32,000	32,000
	Delaware			
ARMY, NG	Bethany Beach	Regional Training Institute Ph1	5,500	5,500
	Florida			
ARMY, NG	Camp Blanding	Combined Arms Collective Training Fac	9,000	9,000
ARMY, NG	Miramar	Readiness Center	20,000	20,000
	Hawaii			
ARMY, NG	Kapolei	Army Aviation Support Facility Ph1	28,000	28,000
	Idaho			
ARMY, NG	Orchard Training Area	ORTC(Barracks)Ph2	40,000	40,000
	Indiana			
ARMY, NG	South Bend	Armed Forces Reserve Center Add/Alt	21,000	21,000
ARMY, NG	Terre Haute	Field Maintenance Shop	9,000	9,000
	Iowa			
ARMY, NG	Camp Dodge	Urban Assault Course	3,000	3,000
	Kansas			
ARMY, NG	Topeka	Taxiway, Ramp & Hangar Alterations	9,500	9,500
	Kentucky			
ARMY, NG	Frankfort	Army Aviation Support Facility	32,000	32,000
	Massachusetts			
ARMY, NG	Camp Edwards	Unit Training Equipment Site	22,000	22,000
	Minnesota			
ARMY, NG	Camp Ripley	Scout Reconnaissance Range	17,000	17,000
ARMY, NG	St Paul	Readiness Center	17,000	17,000
	Missouri			
ARMY, NG	Fort Leonard Wood	Regional Training Institute	18,000	18,000
ARMY, NG	Kansas City	Readiness Center Add/Alt	1,900	1,900
ARMY, NG	Monett	Readiness Center Add/Alt	820	820
ARMY, NG	Perryville	Readiness Center Add/Alt	700	700
	Montana			
ARMY, NG	Miles City	Readiness Center	11,000	11,000
	New Jersey			
ARMY, NG	Sea Girt	Regional Training Institute	34,000	34,000
	New York			
ARMY, NG	Stormville	Combined Support Maint Shop Ph1	24,000	24,000
	Ohio			
ARMY, NG	Chillicothe	Field Maintenance Shop Add/Alt	3,100	3,100
ARMY, NG	Delaware	Readiness Center	12,000	12,000
	Oklahoma			
ARMY, NG	Camp Gruber	Operations Readiness Training Complex	25,000	25,000
	Utah			
ARMY, NG	Camp Williams	BEQ Facility (Regional Training Institute)	15,000	15,000
ARMY, NG	Camp Williams	Regional Training Institute Ph2	21,000	21,000
	Washington			
ARMY, NG	Fort Lewis	Readiness Center	35,000	35,000
	West Virginia			
ARMY, NG	Logan	Readiness Center	14,200	14,200
	Wisconsin			
ARMY, NG	Wausau	Field Maintenance Shop	10,000	10,000
	Guam			
ARMY, NG	Barrigada	JFHQ Ph4	8,500	8,500
	Puerto Rico			
ARMY, NG	Camp Santiago	Readiness Center	3,800	3,800
ARMY, NG	Ceiba	Refill Station Building	2,200	2,200
ARMY, NG	Guaynabo	Readiness Center (JFHQ)	15,000	15,000

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(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
ARMY, NG	Gurabo	Readiness Center	14,700	14,700
	Worldwide Unspec			
ARMY, NG	Unspecified Worldwide Locations	Unspecified Minor Construction	15,057	15,057
ARMY, NG	Unspecified Worldwide Locations	Planning and Design	26,622	26,622
MCon,Army NG—Subtotal			**613,799**	**613,799**
MCon,Air NG				
	California			
AF, NG	Fresno Yosemite IAP ANG	F–15 Conversion	11,000	11,000
	Hawaii			
AF, NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Combat Apron Addition	6,500	6,500
	New Mexico			
AF, NG	Kirtland AFB	Alter Target Intelligence Facility	8,500	8,500
	Wyoming			
AF, NG	Cheyenne Map	C–130 Flight Simulator Training Facility	6,486	6,486
	Worldwide Unspec			
AF, NG	Various Worldwide Locations	Unspecified Minor Construction	5,900	5,900
AF, NG	Various Worldwide Locations	Planning and Design	4,000	4,000
MCon,Air NG—Subtotal			**42,386**	**42,386**
NG MILCON—TOTAL			**656,185**	**656,185**
MCon,A Res				
	California			
ARMY, RESERVE	Fort Hunter Liggett	ORTC	64,000	64,000
ARMY, RESERVE	Fort Hunter Liggett	UPH Barracks	4,300	4,300
ARMY, RESERVE	Tustin	Army Reserve Center	27,000	27,000
	Illinois			
ARMY, RESERVE	Fort Sheridan	Army Reserve Center	28,000	28,000
	Maryland			
ARMY, RESERVE	Aberdeen Proving Ground	Army Reserve Center	21,000	21,000
ARMY, RESERVE	Baltimore	Add/Alt Army Reserve Center	10,000	10,000
	Massachusetts			
ARMY, RESERVE	Devens Reserve Forces Training Area	Automatic Record Fire Range	4,800	4,800
ARMY, RESERVE	Devens Reserve Forces Training Area	Combat Pistol/MP Firearms Qualification	3,700	3,700
	Nevada			
ARMY, RESERVE	Las Vegas	Army Reserve Center/AMSA	21,000	21,000
	New Jersey			
ARMY, RESERVE	Joint Base McGuire-Dix-Lakehurst	Automated Infantry Squad Battle Course	7,400	7,400
	Washington			
ARMY, RESERVE	Joint Base Lewis-McChord	Army Reserve Center	40,000	40,000
	Wisconsin			
ARMY, RESERVE	Fort McCoy	Central Issue Facility	12,200	12,200
ARMY, RESERVE	Fort McCoy	Dining Facility	8,600	8,600
ARMY, RESERVE	Fort McCoy	ECS Tactical Equip. Maint. Facility (TEMF)	27,000	27,000
	Worldwide Unspec			
ARMY, RESERVE	Unspecified Worldwide Locations	Unspecified Minor Construction	10,895	10,895
ARMY, RESERVE	Unspecified Worldwide Locations	Planning and Design	15,951	15,951
MCon,A Res—Subtotal			**305,846**	**305,846**
Milcon, Naval Res				
	Arizona			
NAVY, RESERVE	Yuma	Reserve Training Facility—Yuma AZ	5,379	5,379
	Iowa			
NAVY, RESERVE	Fort Des Moines	Joint Reserve Center—Des Moines IA	19,162	19,162
	Louisiana			
NAVY, RESERVE	New Orleans	Transient Quarters	7,187	7,187
	New York			
NAVY, RESERVE	Brooklyn	Vehicle Maint. Fac.—Brooklyn NY	4,430	4,430
	Texas			
NAVY, RESERVE	Fort Worth	Commercial Vehicle Inspection Site	11,256	11,256
	Worldwide Unspec			
NAVY, RESERVE	Unspecified Worldwide Locations	Planning and Design	2,118	2,118
Milcon, Naval Res—Subtotal			**49,532**	**49,532**
MCon,AF Res				
	New York			
AF, RESERVE	Niagara Falls IAP	Flight Simulator Facility	6,100	6,100
	Worldwide Unspec			
AF, RESERVE	Various Worldwide Locations	Unspecified Minor Construction	2,000	2,000
AF, RESERVE	Various Worldwide Locations	Planning and Design	2,879	2,879
MCon,AF Res—Subtotal			**10,979**	**10,979**
Reserve Milcon—TOTAL			**366,357**	**366,357**
MILCON Major Accounts—TOTAL			**8,690,673**	**8,026,759**
Chem-Demil				
	Colorado			

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(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph XIV	36,000	36,000
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph XIII	115,000	115,000
ChemDemil / NSIP—Total			**151,000**	**151,000**
NSIP				
	Worldwide Unspec			
NSIP	NATO Security Investment Program	NATO Security Investment Program	254,163	254,163
NATO Security Investment Program			**254,163**	**254,163**
Army Fam Housing				
	Worldwide Unspec			
FH Const,A	Unspecified Worldwide Locations	Family Housing P&D	4,641	4,641
Army Fam Hsg Construction—Subtotal			**4,641**	**4,641**
	Worldwide Unspec			
FH Op&Dt,A	Unspecified Worldwide Locations	Utilities Account	88,112	88,112
FH Op&Dt,A	Unspecified Worldwide Locations	Services Account	13,487	13,487
FH Op&Dt,A	Unspecified Worldwide Locations	Management Account	56,970	56,970
FH Op&Dt,A	Unspecified Worldwide Locations	Miscellaneous Account	620	620
FH Op&Dt,A	Unspecified Worldwide Locations	Furnishings Account	31,785	31,785
FH Op&Dt,A	Unspecified Worldwide Locations	Leasing	203,533	203,533
FH Op&Dt,A	Unspecified Worldwide Locations	Maintenance of Real Property	109,534	109,534
FH Op&Dt,A	Unspecified Worldwide Locations	Privatization Support Costs	26,010	26,010
Army Fam Hsg O&M—Subtotal			**530,051**	**530,051**
Army Fam Hsg—TOTAL			**534,692**	**534,692**
Navy Fam Housing				
	Worldwide Unspec			
FH Const,N	Unspecified Worldwide Locations	Improvements	97,655	97,655
FH Const,N	Unspecified Worldwide Locations	Design	4,527	4,527
Navy Fam Hsg Construction—Subtotal			**102,182**	**102,182**
	Worldwide Unspec			
FH Op&Dt,N	Unspecified Worldwide Locations	Utilities Account	80,860	80,860
FH Op&Dt,N	Unspecified Worldwide Locations	Furnishings Account	17,697	17,697
FH Op&Dt,N	Unspecified Worldwide Locations	Management Account	62,741	62,741
FH Op&Dt,N	Unspecified Worldwide Locations	Miscellaneous Account	491	491
FH Op&Dt,N	Unspecified Worldwide Locations	Services Account	19,615	19,615
FH Op&Dt,N	Unspecified Worldwide Locations	Leasing	83,774	83,774
FH Op&Dt,N	Unspecified Worldwide Locations	Maintenance of Real Property	85,254	85,254
FH Op&Dt,N	Unspecified Worldwide Locations	Privatization Support Costs	27,798	27,798
Navy Fam Hsg O&M—Subtotal			**378,230**	**378,230**
Navy Fam Hsg—TOTAL			**480,412**	**480,412**
AF Fam Housing				
	Worldwide Unspec			
FH Con,AF	Unspecified Worldwide Locations	Improvements	79,571	79,571
FH Con,AF	Unspecified Worldwide Locations	Planning and Design	4,253	4,253
AF Fam Hsg Construction—Subtotal			**83,824**	**83,824**
	Worldwide Unspec			
FH Op&Dt,AF	Unspecified Worldwide Locations	Utilities Account	75,662	75,662
FH Op&Dt,AF	Unspecified Worldwide Locations	Management Account	55,002	55,002
FH Op&Dt,AF	Unspecified Worldwide Locations	Services Account	16,550	16,550
FH Op&Dt,AF	Unspecified Worldwide Locations	Furnishings Account	37,878	37,878
FH Op&Dt,AF	Unspecified Worldwide Locations	Miscellaneous Account	1,943	1,943
FH Op&Dt,AF	Unspecified Worldwide Locations	Leasing	62,730	62,730
FH Op&Dt,AF	Unspecified Worldwide Locations	Maintenance (RPMA RPMC)	201,937	201,937
FH Op&Dt,AF	Unspecified Worldwide Locations	Housing Privatization	46,127	46,127
AF Fam Hsg O&M—Subtotal			**497,829**	**497,829**
AF Fam Hsg—TOTAL			**581,653**	**581,653**
Def-Wide Fam Housing				
	Worldwide Unspec			
FH Op&Dt,D-W	Unspecified Worldwide Locations	Utilities Account	283	283
FH Op&Dt,D-W	Unspecified Worldwide Locations	Utilities Account	12	12
FH Op&Dt,D-W	Unspecified Worldwide Locations	Furnishings Account	4,660	4,660
FH Op&Dt,D-W	Unspecified Worldwide Locations	Furnishings Account	20	20
FH Op&Dt,D-W	Unspecified Worldwide Locations	Services Account	31	31
FH Op&Dt,D-W	Unspecified Worldwide Locations	Management Account	371	371
FH Op&Dt,D-W	Unspecified Worldwide Locations	Furnishings Account	66	66
FH Op&Dt,D-W	Unspecified Worldwide Locations	Leasing	35,333	35,333
FH Op&Dt,D-W	Unspecified Worldwide Locations	Leasing	10,822	10,822

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(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
FH Op&Dt,D-W	Unspecified Worldwide Locations	Maintenance of Real Property	567	567
FH Op&Dt,D-W	Unspecified Worldwide Locations	Maintenance of Real Property	73	73
DefWide Fam Hsg O&M—Subtotal			**52,238**	**52,238**
DoD FH Imprv Fd				
	Worldwide Unspec			
DoD FH Imprv Fd	Unspecified Worldwide Locations	Family Housing Improvement Fund	1,786	1,786
DoD Fam Hsg Imprv Fd—Subtotal			**1,786**	**1,786**
FAM HSG—TOTAL			**1,650,781**	**1,650,781**
BRAC IV				
	Worldwide Unspec			
BRAC, A	Base Realignment & Closure, Army	Base Realignment & Closure	79,893	79,893
BRAC, N	Base Realignment & Closure, Navy	Base Realignment & Closure	146,951	146,951
BRAC, AF	Base Realignment & Closure, AF	Base Realignment & Closure	122,552	122,552
BRAC IV—TOTAL			**349,396**	**349,396**
2005 BRAC				
ARMY BRAC				
	Worldwide Unspec			
BRAC—Army	Unspecified Worldwide Locations	USA–121: Fort Gillem, GA	4,976	4,976
BRAC—Army	Unspecified Worldwide Locations	USA–222: Fort McPherson, GA	6,772	6,772
BRAC—Army	Unspecified Worldwide Locations	Program Management Various Locations	20,453	20,453
BRAC—Army	Unspecified Worldwide Locations	USA–223: Fort Monmouth, NJ	9,989	9,989
BRAC—Army	Unspecified Worldwide Locations	USA–36: Red River Army Depot	1,385	1,385
BRAC—Army	Unspecified Worldwide Locations	USA–113: Fort Monroe, VA	12,184	12,184
BRAC—Army	Unspecified Worldwide Locations	USA–236: RC Transformation in CT	557	557
BRAC—Army	Unspecified Worldwide Locations	USA–242: RC Transformation in NY	172	172
BRAC—Army	Unspecified Worldwide Locations	USA–253: RC Transformation in PA	100	100
BRAC—Army	Unspecified Worldwide Locations	USA–212: USAR Cmd & Cntrl—New England	222	222
BRAC—Army	Unspecified Worldwide Locations	USA–167: USAR Command and Control—NE	175	175
BRAC—Army	Unspecified Worldwide Locations	IND–112: River Bank Army Ammo Plant, CA	22,431	22,431
BRAC—Army	Unspecified Worldwide Locations	IND–119: Newport Chemical Depot, IN	197	197
BRAC—Army	Unspecified Worldwide Locations	IND–106: Kansas Army Ammunition Plant, KS	7,280	7,280
BRAC—Army	Unspecified Worldwide Locations	IND–110: Mississippi Army Ammo Plant, MS	160	160
BRAC—Army	Unspecified Worldwide Locations	IND–122: Lone Star Army Ammo Plant, TX	11,379	11,379
BRAC—Army	Unspecified Worldwide Locations	MED–2: Walter Reed NMMC, Bethesda, MD	7,787	7,787
BRAC—Army—Subtotal			**106,219**	**106,219**
NAVY BRAC				
	Worldwide Unspec			
BRAC—Navy	Unspecified Worldwide Locations	DON–172: NWS Seal Beach, Concord, CA	2,129	2,129
BRAC—Navy	Unspecified Worldwide Locations	DON–138: NAS Brunswick, ME	4,897	4,897
BRAC—Navy	Unspecified Worldwide Locations	DON–157: MCSA Kansas City, MO	39	39
BRAC—Navy	Unspecified Worldwide Locations	DON–84: JRB Willow Grove & Cambria Reg AP	189	189
BRAC—Navy	Unspecified Worldwide Locations	DON–168: NS Newport, RI	1,742	1,742
BRAC—Navy	Unspecified Worldwide Locations	DON–100: Planning, Design and Management	5,038	5,038
BRAC—Navy	Unspecified Worldwide Locations	DON–101: Various Locations	4,176	4,176
BRAC—Navy—Subtotal			**18,210**	**18,210**
AF BRAC				
	Worldwide Unspec			
BRAC—Air Force	Unspecified Worldwide Locations	Program Management Various Locations	605	605
BRAC—Air Force	Unspecified Worldwide Locations	MED–57: Brooks City Base, TX	326	326
BRAC—Air Force	Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	1,337	1,337
BRAC—Air Force—Subtotal			**2,268**	**2,268**
BRAC 2005—TOTAL			**126,697**	**126,697**
BRAC IV + BRAC 2005—TOTAL			**476,093**	**476,093**
MILCON GRAND TOTAL			**11,222,710**	**10,558,796**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Senate Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Senate Authorized
Energy Programs		
Electricity delivery and energy reliability	6,000	0
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	7,577,341	7,602,341
Defense nuclear nonproliferation	2,458,631	2,458,631
Naval reactors	1,088,635	1,126,621
Office of the administrator	411,279	386,279
Total, National nuclear security administration	**11,535,886**	**11,573,872**
Environmental and other defense activities:		
Defense environmental cleanup	5,472,001	5,009,001
Other defense activities	735,702	735,702
Total, Environmental & other defense activities	**6,207,703**	**5,744,703**
Total, Atomic Energy Defense Activities	**17,743,589**	**17,318,575**
Total, Discretionary Funding	**17,749,589**	**17,318,575**
Electricity Delivery & Energy Reliability		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,000	0
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	369,000	369,000
W76 Life extension program	174,931	174,931
Total, Life extension programs	**543,931**	**543,931**
Stockpile systems		
B61 Stockpile systems	72,364	72,364
W76 Stockpile systems	65,445	90,445
W78 Stockpile systems	139,207	139,207
W80 Stockpile systems	46,540	46,540
B83 Stockpile systems	57,947	57,947
W87 Stockpile systems	85,689	85,689
W88 Stockpile systems	123,217	123,217
Total, Stockpile systems	**590,409**	**615,409**
Weapons dismantlement and disposition		
Operations and maintenance	51,265	51,265
Stockpile services		
Production support	365,405	365,405
Research and development support	28,103	28,103
R&D certification and safety	191,632	191,632
Management, technology, and production	175,844	175,844
Plutonium sustainment	141,685	141,685
Total, Stockpile services	**902,669**	**902,669**
Total, Directed stockpile work	**2,088,274**	**2,113,274**
Campaigns:		
Science campaign		
Advanced certification	44,104	44,104
Primary assessment technologies	94,000	94,000
Dynamic materials properties	97,000	97,000
Advanced radiography	30,000	30,000
Secondary assessment technologies	85,000	85,000
Total, Science campaign	**350,104**	**350,104**
Engineering campaign		
Enhanced surety	46,421	46,421
Weapon systems engineering assessment technology	18,983	18,983
Nuclear survivability	21,788	21,788
Enhanced surveillance	63,379	63,379
Total, Engineering campaign	**150,571**	**150,571**
Inertial confinement fusion ignition and high yield campaign		
Diagnostics, cryogenics and experimental support	81,942	81,942
Ignition	84,172	84,172
Support of other stockpile programs	14,817	14,817
Pulsed power inertial confinement fusion	6,044	6,044
Joint program in high energy density laboratory plasmas	8,334	8,334

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Senate Authorized
Facility operations and target production	264,691	264,691
Total, Inertial confinement fusion and high yield campaign	**460,000**	**460,000**
Advanced simulation and computing campaign	600,000	600,000
Readiness Campaign		
Nonnuclear readiness	64,681	64,681
Tritium readiness	65,414	65,414
Total, Readiness campaign	**130,095**	**130,095**
Total, Campaigns	**1,690,770**	**1,690,770**
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	163,602	163,602
Lawrence Livermore National Laboratory	89,048	89,048
Los Alamos National Laboratory	335,978	335,978
Nevada National Security Site	115,697	115,697
Pantex	172,020	172,020
Sandia National Laboratory	167,384	167,384
Savannah River Site	120,577	120,577
Y–12 National security complex	255,097	255,097
Total, Operations of facilities	**1,419,403**	**1,419,403**
Science, technology and engineering capability support	166,945	166,945
Nuclear operations capability support	203,346	203,346
Subtotal, Readiness in technical base and facilities	**1,789,694**	**1,789,694**
Construction:		
13–D–301 Electrical infrastructure upgrades, LANL/LLNL	23,000	23,000
12–D–301 TRU waste facilities, LANL	24,204	24,204
11–D–801 TA–55 Reinvestment project, LANL	8,889	8,889
10-D–501 Nuclear facilities risk reduction Y–12 National security complex, Oakridge, TN	17,909	17,909
09–D–404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	11,332	11,332
08–D–802 High explosive pressing facility Pantex Plant, Amarillo, TX	24,800	24,800
06–D–141 PED/Construction, UPFY–12, Oak Ridge, TN	340,000	0
06–D–141 PED/Construction, UPFY–12, Phase I, Oak Ridge, TN	0	340,000
Total, Construction	**450,134**	**450,134**
Total, Readiness in technical base and facilities	**2,239,828**	**2,239,828**
Secure transportation asset		
Operations and equipment	114,965	114,965
Program direction	104,396	104,396
Total, Secure transportation asset	**219,361**	**219,361**
Nuclear counterterrorism incident response	247,552	247,552
Site stewardship		
Operations and maintenance	90,001	90,001
Total, Site stewardship	**90,001**	**90,001**
Defense nuclear security		
Operations and maintenance	643,285	643,285
NNSA CIO activities	155,022	155,022
Legacy contractor pensions	185,000	185,000
National security applications	18,248	18,248
Subtotal, Weapons activities	**7,577,341**	**7,602,341**
Total, Weapons Activities	**7,577,341**	**7,602,341**
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	398,186	398,186
Domestic Enrichment R&D	150,000	150,000
Subtotal, Nonproliferation and verification R&D	**548,186**	**548,186**
Nonproliferation and international security	**150,119**	**150,119**
International nuclear materials protection and cooperation	**311,000**	**311,000**
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Senate Authorized
U.S. plutonium disposition	498,979	498,979
U.S. uranium disposition	29,736	29,736
Total, Operations and maintenance	**528,715**	**528,715**
Construction:		
99–D–143 Mixed oxide fuel fabrication facility, Savannah River, SC	388,802	388,802
Total, Construction	**388,802**	**388,802**
Total, U.S. surplus fissile materials disposition	**917,517**	**917,517**
Russian surplus fissile materials disposition	3,788	3,788
Total, Fissile materials disposition	**921,305**	**921,305**
Global threat reduction initiative	466,021	466,021
Legacy contractor pensions	62,000	62,000
Subtotal, Defense Nuclear Nonproliferation	**2,458,631**	**2,458,631**
Total, Defense Nuclear Nonproliferation	**2,458,631**	**2,458,631**
Naval Reactors		
Naval reactors development	418,072	418,072
Ohio replacement reactor systems development	89,700	127,686
S8G Prototype refueling	121,100	121,100
Naval reactors operations and infrastructure	366,961	366,961
Construction:		
13–D–905 Remote-handled low-level waste facility, INL	8,890	8,890
13–D–904 KS Radiological work and storage building, KSO	2,000	2,000
13–D–903, KS Prototype Staff Building, KSO	14,000	14,000
10-D–903, Security upgrades, KAPL	19,000	19,000
08–D–190 Expended Core Facility M–290 recovering discharge station,Naval Reactor Facility, ID	5,700	5,700
Total, Construction	**49,590**	**49,590**
Program direction	43,212	43,212
Subtotal, Naval Reactors	**1,088,635**	**1,126,621**
Total, Naval Reactors	**1,088,635**	**1,126,621**
Office Of The Administrator		
Office of the administrator	411,279	386,279
Total, Office Of The Administrator	**411,279**	**386,279**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	1,990	1,990
Hanford site:		
River corridor and other cleanup operations	389,347	389,347
Central plateau remediation	558,820	558,820
Richland community and regulatory support	15,156	15,156
Total, Hanford site	**963,323**	**963,323**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	396,607	396,607
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	**399,607**	**399,607**
NNSA sites		
Lawrence Livermore National Laboratory	1,484	1,484
Nuclear facility D&D Separations Process Research Unit	24,000	24,000
Nevada	64,641	64,641
Sandia National Laboratories	5,000	5,000
Los Alamos National Laboratory	239,143	239,143
Total, NNSA sites and Nevada off-sites	**334,268**	**334,268**
Oak Ridge Reservation:		
Building 3019	67,525	67,525
OR cleanup and disposition	109,470	109,470
OR reservation community and regulatory support	4,500	4,500
Total, Oak Ridge Reservation	**181,495**	**181,495**
Office of River Protection:		
Waste treatment and immobilization plant		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Senate Authorized
01–D–416 A–E/ORP–0060/Major construction	690,000	690,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition	482,113	482,113
Total, Office of River protection	**1,172,113**	**1,172,113**
Savannah River sites:		
Savannah River risk management operations	444,089	444,089
SR community and regulatory support	16,584	16,584
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	698,294	698,294
Construction:		
05–D–405 Salt waste processing facility, Savannah River	22,549	22,549
Total, Radioactive liquid tank waste	**720,843**	**720,843**
Total, Savannah River site	**1,181,516**	**1,181,516**
Waste Isolation Pilot Plant		
Waste isolation pilot plant	198,010	198,010
Total, Waste Isolation Pilot Plant	**198,010**	**198,010**
Program direction	323,504	323,504
Program support	18,279	18,279
Safeguards and Security:		
Oak Ridge Reservation	18,817	18,817
Paducah	8,909	8,909
Portsmouth	8,578	8,578
Richland/Hanford Site	71,746	71,746
Savannah River Site	121,977	121,977
Waste Isolation Pilot Project	4,977	4,977
West Valley	2,015	2,015
Total, Safeguards and Security	**237,019**	**237,019**
Technology development	20,000	20,000
Uranium enrichment D&D fund contribution	463,000	0
Subtotal, Defense environmental cleanup	**5,494,124**	**5,031,124**
Adjustments		
Use of prior year balances	–12,123	–12,123
Use of unobligated balances	–10,000	–10,000
Total, Adjustments	**–22,123**	**–22,123**
Total, Defense Environmental Cleanup	**5,472,001**	**5,009,001**
Other Defense Activities		
Health, safety and security		
Health, safety and security	139,325	139,325
Program direction	106,175	106,175
Total, Health, safety and security	**245,500**	**245,500**
Specialized security activities	188,619	188,619
Office of Legacy Management		
Legacy management	164,477	164,477
Program direction	13,469	13,469
Total, Office of Legacy Management	**177,946**	**177,946**
Defense-related activities		
Defense related administrative support	118,836	118,836
Office of hearings and appeals	4,801	4,801
Subtotal, Other defense activities	**735,702**	**735,702**
Total, Other Defense Activities	**735,702**	**735,702**

DIVISION E—HOUSING ASSISTANCE FOR VETERANS

TITLE L—HOUSING ASSISTANCE FOR VETERANS

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Housing Assistance for Veterans Act of 2012'' or the ''HAVEN Act''.

SEC. 5002. DEFINITIONS.

In this division:

(1) DISABLED.—The term ''disabled'' means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) ELIGIBLE VETERAN.—The term ''eligible veteran'' means a disabled or low-income veteran.

(3) ENERGY EFFICIENT FEATURES OR EQUIPMENT.—The term ''energy efficient features or equipment'' means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) LOW-INCOME VETERAN.—The term ''low-income veteran'' means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) PRIMARY RESIDENCE.—

(A) IN GENERAL.—The term ''primary residence'' means a single family house, a duplex, or a unit within a multiple-dwelling structure that is an eligible veteran's principal dwelling and is owned by such veteran or a family member of such veteran.

(B) FAMILY MEMBER DEFINED.—For purposes of this paragraph, the term ''family member'' includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means a nonprofit organization that provides nationwide or State-wide programs that primarily serve veterans or low-income individuals.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) VETERAN.—The term ''veteran'' has the same meaning as given such term in section 101 of title 38, United States Code.

(10) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 5003. ESTABLISHMENT OF A PILOT PROGRAM.

(a) GRANT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(2) COORDINATION.—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(3) MAXIMUM GRANT.—A grant award under the pilot program to any one qualified organization shall not exceed $1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(b) APPLICATION.—

(1) IN GENERAL.—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under paragraph (2), accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a plan of action detailing outreach initiatives;

(B) the approximate number of veterans the qualified organization intends to serve using grant funds;

(C) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(D) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans and serve their needs.

(3) PREFERENCES.—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(A) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(B) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term ''rural areas'').

(c) CRITERIA.—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(1) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(2) Have established outreach initiatives that—

(A) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program; and

(B) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(3) Have an established nationwide or State-wide network of affiliates that are—

(A) nonprofit organizations; and

(B) able to provide housing rehabilitation and modification services for eligible veterans.

(4) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(d) USE OF FUNDS.—A grant award under the pilot program shall be used—

(1) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(A) installing wheelchair ramps, widening exterior and interior doors, reconfigurating and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(i) accommodate the functional limitations that result from having a disability; or

(ii) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(B) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(C) installing energy efficient features or equipment if—

(i) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(ii) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(2) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(3) for other purposes as the Secretary may prescribe through regulations.

(e) OVERSIGHT.—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(2) IN-KIND CONTRIBUTIONS.—In order to meet the requirement under paragraph (1), such organization may arrange for in-kind contributions.

(g) LIMITATION COST TO THE VETERANS.—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(h) REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(A) the number of eligible veterans provided assistance under the pilot program;

(B) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(C) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(D) the amount of matching funds and in-kind contributions raised with each grant;

(E) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(F) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(G) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(H) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(I) any other information that the Secretary considers relevant in assessing such program.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this division $4,000,000 for each of fiscal years 2013 through 2017.

DIVISION F—STOLEN VALOR ACT

TITLE LI—STOLEN VALOR ACT

SEC. 5011. SHORT TITLE.

This division may be cited as the ''Stolen Valor Act of 2012''.

SEC. 5012. FINDINGS.

Congress find the following:

(1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.

(2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.

(3) False claims of military service or military heroism are an especially noxious means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.

(4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.

(5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.

(6) False claims of military service or the receipt of military awards that are made to secure appointment to the board of an organization are likely to cause harm to such organization through their obtaining the services of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization's donors concern that the organization's board might not manage money honestly.

(7) The easily verifiable nature of false claims regarding military service or the receipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.

(8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.

SEC. 5013. MILITARY MEDALS OR DECORATIONS.

Section 704 of title 18, United States Code, is amended to read as follows:

"§ 704. Military medals or decorations

''(a) IN GENERAL.—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

''(b) FALSE CLAIMS TO THE RECEIPT OF MILITARY DECORATIONS, MEDALS, OR RIBBONS AND FALSE CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.—

''(1) IN GENERAL.—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

''(2) TANGIBLE BENEFIT OR PERSONAL GAIN.—For purposes of this subsection, the term 'tangible benefit or personal gain' includes—

''(A) a benefit relating to military service provided by the Federal Government or a State or local government;

''(B) public or private employment;

''(C) financial remuneration;

''(D) an effect on the outcome of a criminal or civil court proceeding;

''(E) election of the speaker to paying office; and

''(F) appointment to a board or leadership position of a non-profit organization.

''(c) DEFINITION.—In this section, the term 'Armed Forces of the United States' means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.''.

SEC. 5014. SEVERABILITY.

If any provision of this division, any amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

DIVISION G—MISCELLANEOUS

TITLE LII—MISCELLANEOUS

SEC. 5021. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Dale Long Public Safety Officers' Benefits Improvements Act of 2012''.

(b) BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) in section 901(a) (42 U.S.C. 3791(a))—

(i) in paragraph (26), by striking ''and'' at the end;

(ii) in paragraph (27), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(28) the term 'hearing examiner' includes any medical or claims examiner.'';

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking ''follows:'' and all that follows and inserting the following: ''follows (if the payee indicated is living on the date on which the determination is made)—

''(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

''(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

''(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

''(4) if there is no surviving spouse of the public safety officer and no surviving child—

''(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

''(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

''(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

''(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term 'child' under section 1204 but for age.'';

(ii) in subsection (b)—

(I) by striking ''direct result of a catastrophic'' and inserting ''direct and proximate result of a personal'';

(II) by striking ''pay,'' and all that follows through ''the same'' and inserting ''pay the same'';

(III) by striking ''in any year'' and inserting ''to the public safety officer (if living on the date on which the determination is made)'';

(IV) by striking ''in such year, adjusted'' and inserting ''with respect to the date on which the catastrophic injury occurred, as adjusted'';

(aa) by striking '', to such officer'';

(V) by striking ''the total'' and all that follows through ''For'' and inserting ''for''; and

(VI) by striking ''That these'' and all that follows through the period, and inserting ''That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.'';

(iii) in subsection (f)—

(I) in paragraph (1), by striking '', as amended (D.C. Code, sec. 4–622); or'' and inserting a semicolon;

(II) in paragraph (2)—

(aa) by striking ''. Such beneficiaries shall only receive benefits under such section 8191 that'' and inserting '', such that beneficiaries shall receive only such benefits under such section 8191 as''; and

(bb) by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42).'';

(iv) by amending subsection (k) to read as follows:

''(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

''(1) the public safety officer, while on duty—

''(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

''(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

''(2) the heart attack, stroke, or vascular rupture commences—

''(A) while the officer is engaged or participating as described in paragraph (1);

''(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

''(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

''(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.''; and

(v) by adding at the end the following:

''(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.'';

(C) in section 1202 (42 U.S.C. 3796a)—

(i) by striking ''death'', each place it appears except the second place it appears, and inserting ''fatal''; and

(ii) in paragraph (1), by striking ''or catastrophic injury'' the second place it appears and inserting '', disability, or injury'';

(D) in section 1203 (42 U.S.C. 3796a–1)—

(i) in the section heading, by striking ''WHO HAVE DIED IN THE LINE OF DUTY'' and inserting ''WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY''; and

(ii) by striking ''who have died in the line of duty'' and inserting ''who have sustained fatal or catastrophic injury in the line of duty'';

(E) in section 1204 (42 U.S.C. 3796b)—

(i) in paragraph (1), by striking ''consequences of an injury that'' and inserting ''an injury, the direct and proximate consequences of which'';

(ii) in paragraph (3)—

(I) in the matter preceding clause (i)—

(aa) by inserting ''or permanently and totally disabled'' after ''deceased''; and

(bb) by striking ''death'' and inserting ''fatal or catastrophic injury''; and

(II) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in paragraph (5)—

(I) by striking ''post-mortem'' each place it appears and inserting ''post-injury'';

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (B), as so redesignated, by striking ''death'' and inserting ''fatal or catastrophic injury'';

(iv) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew;'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that—

''(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

''(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;''; and

(v) in paragraph (9)—

(I) in subparagraph (A), by striking ''as a chaplain, or as a member of a rescue squad or ambulance crew;'' and inserting ''or as a chaplain;'';

(II) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(III) in subparagraph (C)(ii), by striking the period and inserting ''; or''; and

(IV) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.'';

(F) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

''(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.'';

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), sections 1213 and 1214 (42 U.S.C. 3796d–2 and 3796d–3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d–5), by striking ''dependent'' each place it appears and inserting ''person'';

(H) in section 1212 (42 U.S.C. 3796d–1)—

(i) in subsection (a)—

(I) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Subject'' and all that follows through '', the'' and inserting ''The''; and

(II) in paragraph (3), by striking ''reduced by'' and all that follows through ''(B) the amount'' and inserting ''reduced by the amount'';

(ii) in subsection (c)—

(I) in the subsection heading, by striking ''DEPENDENT''; and

(II) by striking ''dependent'';

(I) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d–2(b)), by striking ''dependent's'' each place it appears and inserting ''person's'';

(J) in section 1216 (42 U.S.C. 3796d–5)—

(i) in subsection (a), by striking ''each dependent'' each place it appears and inserting ''a spouse or child''; and

(ii) by striking ''dependents'' each place it appears and inserting ''a person''; and

(K) in section 1217(3)(A) (42 U.S.C. 3796d–6(3)(A)), by striking ''described in'' and all that follows and inserting ''an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and''.

(2) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1(a)) is amended by inserting ''or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))'' after ''employed by such agency''.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''section 1204(9)(A)'' and inserting ''section 1204(10)(A)''; and

(B) by striking ''42 U.S.C. 3796b(9)(A)'' and inserting ''42 U.S.C. 3796b(10)(A)''.

(c) AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.—The matter under the heading ''PUBLIC SAFETY OFFICERS BENEFITS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–2) is amended—

(1) by striking ''decisions'' and inserting ''determinations'';

(2) by striking ''(including those, and any related matters, pending)''; and

(3) by striking the period at the end and inserting the following: '': *Provided further*, That, on and after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012, as to each such statute—

''(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

''(2) payment (other than payment made pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

''(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

''(4) a certification submitted under any such statute (other than a certification submitted pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1)) may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

Provided further, That, on and after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(2) EXCEPTIONS.—

(A) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(B) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

SEC. 5022. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

''(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

''(1) IN GENERAL.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

''(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

''(A) CURRENT STATUS.—

''(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

''(I) the prevention, diagnosis, and treatment of such cancer;

''(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

''(III) the epidemiology of such cancer.

''(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic,

translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

''(iii) RESEARCHERS.—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

''(iv) COORDINATED RESEARCH INITIATIVES.—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

''(v) RESEARCH RESOURCES.—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

''(B) IDENTIFICATION OF RESEARCH QUESTIONS.—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

''(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

''(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

''(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

''(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

''(3) TIMING.—

''(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—

''(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

''(ii) review and update the scientific framework not later than 5 years after its initial development.

''(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

''(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

''(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

''(B) make such framework publically available on the Internet website of the Department of Health and Human Services.

''(b) IDENTIFICATION OF RECALCITRANT CANCER.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

''(A) have a 5-year relative survival rate of less than 20 percent; and

''(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

''(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

''(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

''(d) REPORTING.—

''(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

''(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

''(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

''(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

''(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

''(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

''(f) DEFINITION.—In this section, the term 'recalcitrant cancer' means a cancer for which the five-year relative survival rate is below 50 percent.''.

SEC. 5023. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)) is amended by inserting ''(referred to in this section as the 'Commission')'' before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

''(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as 'public diplomacy activities'.''.

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

''(d) REPORTS.—

''(1) COMPREHENSIVE ANNUAL REPORT.—

''(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

''(i) a detailed list of all public diplomacy activities funded by the United States Government;

''(ii) a description of—

''(I) the purpose, means, and geographic scope of each activity;

''(II) when each activity was started;

''(III) the amount of Federal funding expended on each activity;

''(IV) any significant outside sources of funding; and

''(V) the Federal department or agency to which the activity belongs;

''(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

''(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

''(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

''(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as 'cost-per-audience' or 'cost-per-student' for each activity. Upon the completion of the assessment, the Commission shall the assign a rating of—

''(i) 'effective' for activities that—

''(I) set appropriate goals;

''(II) achieve results; and

''(III) are well-managed and cost efficient;

''(ii) 'moderately effective' for activities that—

''(I) achieve some results;

''(II) are generally well-managed; and

''(III) need to improve their performance results or cost efficiency, including reducing overhead;

''(iii) 'ineffective' for activities that—

''(I) are not making sufficient use of available resources to achieve stated goals;

''(II) are not well-managed; or

''(III) have excessive overhead; and

''(iv) 'results not demonstrated' for activities that—

''(I) do not have acceptable performance public diplomacy metrics for measuring results; or

''(II) are unable or failed to collect data to determine if they are effective.

''(2) OTHER REPORTS.—

''(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

''(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

''(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.''.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—From amounts appropriated by Congress under the heading ''DIPLOMATIC AND CONSULAR PROGRAMS'', the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

SEC. 5024. REMOVAL OF ACTION.

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

''(1) protected an individual in the presence of the officer from a crime of violence;

''(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

''(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

''(d) In this section, the following definitions apply:

''(1) The terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

''(2) The term 'crime of violence' has the meaning given that term in section 16 of title 18.

''(3) The term 'law enforcement officer' means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

''(4) The term 'serious bodily injury' has the meaning given that term in section 1365 of title 18.

''(5) The term 'State' includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

''(6) The term 'State court' includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.''.

TITLE LIII—GAO MANDATES REVISION ACT

Subtitle A—GAO Mandates Revision Act

SEC. 5301. SHORT TITLE.

This subtitle may be cited as the ''GAO Mandates Revision Act of 2012''.

SEC. 5302. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking ''annual audits of the transactions of the Commission'' and inserting ''periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date,''.

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking ''subsection (x)'' and inserting ''subsection (w)''.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking ''of each year'' and inserting '', 2013, and every 3 years thereafter,''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''at a frequency of not less than once per year—'' and inserting ''not later than December 31, 2013, and every 3 years thereafter—''.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking '', and annually thereafter during the period when the demonstration project is conducted,''.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking ''of paragraph (2) of this subsection'' and inserting ''of section 3515 of title 31'';

(2) in paragraph (1), by striking ''(1)''; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking ''annual audits of the Senate Preservation Fund'' and inserting ''periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,''.

Subtitle B—Improper Payments Elimination and Recovery Improvement Act

SEC. 5311. SHORT TITLE.

This subtitle may be cited as the ''Improper Payments Elimination and Recovery Improvement Act of 2012''.

SEC. 5312. DEFINITIONS.

In this subtitle—

(1) the term ''agency'' means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term ''improper payment'' has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section __03(a)(1) of this subtitle.

SEC. 5313. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

''(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

''(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

''(i) in which the highest dollar value or highest rate of improper payments occur; or

''(ii) for which there is a higher risk of improper payments; and

''(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

''(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

''(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

''(B) CONTENTS.—Each report under this paragraph—

''(i) shall describe—

''(I) any action the agency—

''(aa) has taken or plans to take to recover improper payments; and

''(bb) intends to take to prevent future improper payments; and

''(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

''(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

''(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

''(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

''(i) review—

''(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

''(II) the oversight or financial controls to identify and prevent improper payments under the program; and

''(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.'';

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' each place that term appears and inserting ''subsection (c)'';

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting ''or a Federal employee'' after ''non-Federal person or entity''.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(B) in paragraph (3)—

(i) by striking ''section 2(b)'' each place it appears and inserting ''section 2(c)''; and

(ii) by striking ''section 2(c)'' each place it appears and inserting ''section 2(d)''.

SEC. 5314. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking ''with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget'' and inserting ''with respect to fiscal year 2014 and each fiscal year thereafter''.

SEC. 5315. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting ''between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies'' for ''between the source agency and the recipient agency or non-Federal agency'' in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this subtitle, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. 5316. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

Subtitle C—Sense of Congress Regarding Spectrum

SEC. 5317. SENSE OF CONGRESS REGARDING SPECTRUM.

It is the sense of Congress that—

(1) the Nation's mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing $195,500,000,000 to the United States gross domestic product and driving $33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the growing demand for spectrum, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national and homeland security, law enforcement and other critical federal uses, existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062 of P.L. 106–65 by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability; and

(6) given the need to determine equitable outcomes for the Nation in relation to spectrum use that balance the private sector's demand for spectrum with national security and other critical federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangement and plans for 110 megahertz of federal spectrum in the 1695–1710 MHz and the 1755–1850 MHz bands.

ORDER OF PROCEDURE

Mr. CARDIN. Mr. President, I ask unanimous consent that on Thursday, December 6, 2012, at 11:45 a.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 761 and 828; that there be 15 minutes for debate equally divided in the usual form; that following the period of debate on the nominations, the Senate proceed to legislative session to resume consideration of H.R. 6156, as provided under the previous order, and following the disposition of H.R. 6156, the Senate resume executive session and proceed to vote without intervening action or debate on Calendar Nos. 761 and 828 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

INTERCOUNTRY ADOPTION UNIVERSAL ACCREDITATION ACT OF 2012

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 539, S. 3331.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3331) to provide for universal intercountry adoption accreditation standards, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARDIN. I further ask unanimous consent that the Kerry amendment, which is at the desk, be agreed to, and the Senate proceed to a voice vote on passage of the bill, as amended.

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

The amendment (No. 3310) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intercountry Adoption Universal Accreditation Act of 2012''.

SEC. 2. UNIVERSAL ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—The provisions of title II and section 404 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and related implementing regulations, shall apply to any person offering or providing adoption

services in connection with a child described in section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)), to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption. The Secretary of State, the Secretary of Homeland Security, the Attorney General (with respect to section 404(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14944)), and the accrediting entities shall have the duties, responsibilities, and authorities under title II and title IV of the Intercountry Adoption Act of 2000 and related implementing regulations with respect to a person offering or providing such adoption services, irrespective of whether such services are offered or provided in connection with a Convention adoption.

(b) EFFECTIVE DATE.—The provisions of this section shall take effect 18 months after the date of the enactment of this Act.

(c) TRANSITION RULE.—This Act shall not apply to a person offering or providing adoption services as described in subsection (a) in the case of a prospective adoption in which—

(1) an application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for a child is filed before the date that is 180 days after the date of the enactment of this Act; or

(2) the prospective adoptive parents of a child have initiated the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied before the date that is 180 days after the date of the enactment of this Act.

SEC. 3. AVAILABILITY OF COLLECTED FEES FOR ACCREDITING ENTITIES.

(a) Section 403 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14943) is amended by striking subsection (c).

(b) REPORT REQUIREMENT.—Section 202(b) of the Intercountry Adoption act of 2000 (42 U.S.C. 14922(b)) is amended by adding at the end the following:

''(5) REPORT ON USE OF FEDERAL FUNDING.—Not later than 90 days after an accrediting entity receives Federal funding authorized by section 403, the entity shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

''(A) the amount of such funding the entity received; and

''(B) how such funding was, or will be, used by the entity.''.

SEC. 4. DEFINITIONS.

In this Act, the terms ''accrediting entity'', ''adoption service'', ''Convention adoption'', and ''person'' have the meanings given those terms in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 3331), as amended, was passed.

Mr. CARDIN. I further ask unanimous consent that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

IMMEDIATE AND UNCONDITIONAL RELEASE OF UNITED STATES CITIZEN ALAN PHILLIP GROSS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 609, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 609) calling for the immediate and unconditional release of United States citizen Alan Phillip Gross from detention in Cuba and urging the Government of Cuba to address his medical issues.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, 2 days ago—December 3, 2012—marked the third anniversary of Alan Gross' arrest by the Cuban Government. Over the past 3 years, Alan's case has been of deep personal concern to me and many in my State. Alan, an American citizen and Marylander, was in Cuba to help the small Jewish community there establish improved access to the Internet, which would allow the community to go online without fear of censorship or monitoring. After being held for 14 months without charge and then a cursory 2-day trial, he was convicted and sentenced to 15 years in prison. In August 2012, a petition to the United Nations Working Group on Arbitrary Detention was filed on his behalf.

Last week, officials with the Cuban Ministry for Foreign Affairs claimed that Alan Gross is in good health. But the Cuban Government has not allowed Mr. Gross to receive an independent medical evaluation. To date, Alan has lost 105 pounds, suffers from degenerative arthritis, and has a mass behind his shoulder. Alan also suffers from severe mental anguish because of the separation from his family.

To say that the Gross family has been on a rollercoaster would be an understatement. His mother and daughter are both battling cancer. His wife Judy is struggling to make ends meet. Judy Gross has fought for Alan's release every day for the last 3 years. Judy has called, e-mailed, and met with everyone imaginable. She has been on news programs and written letters. Judy has never given up hope; she has remained strong for her family and for Alan. As many of our colleagues will attest, she will stop at nothing to see Alan return home. Due in no small part to Judy's perseverance, the U.S. Senate has been actively involved in this matter.

Over the past 3 years, U.S. officials have traveled to Cuba, we have written to numerous Cuban dignitaries, and we have employed other creative means to encourage Mr. Gross' release. In September, my colleague Senator MORAN and I, along with a bipartisan group of 44 Senators, sent a letter to Raul Castro urging the Cuban Government in the strongest possible terms to release Alan Gross immediately and unconditionally. But these attempts have been futile. Alan Gross remains in prison, caught in the middle of a conflict between two nations with a complex, often frustrating relationship.

Tonight, the Senate is adopting a resolution unanimously, a resolution Senator MORAN and I have submitted with a long list of bipartisan sponsors. The resolution calls for Mr. Gross' immediate and unconditional release and urges the Cuban Government to address his medical issues, including allowing an independent medical examination to be completed. Alan's personal freedoms are being violated every day that he continues to be incarcerated, and we can no longer tolerate his being denied an independent medical evaluation. Alan Gross should no longer be forced to suffer the consequences of political gamesmanship. Enough is enough.

Today the Senate has spoken once again. Alan Gross is a husband, a father, a son, and an American. We call on the Cuban Government to release Alan Gross immediately.

Mr. President, I know of no further debate on this measure.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 609) was agreed to.

Mr. CARDIN. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the matter be printed in the RECORD.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 609

Whereas, Alan Phillip Gross, a citizen of the United States, was born in New York on May 2, 1949, and is a resident of the State of Maryland;

Whereas Mr. Gross has devoted his professional life to helping others through his work in international development and has served in more than 50 countries and territories worldwide;

Whereas, in 2001, Mr. Gross founded JBDC, LLC to support Internet connectivity in locations with little or no access;

Whereas, on February 10, 2009, JBDC, LLC received a subcontract with the United States Agency for International Development (USAID);

Whereas, working as a subcontractor for the United States Agency for International Development, Mr. Gross sought to establish wireless networks and improve Internet and Intranet access and connectivity for a small, peaceful, non-dissident, Cuban Jewish community;

Whereas Mr. Gross made 5 trips to Cuba in furtherance of the United States Agency for International Development project he was subcontracted to support;

Whereas the last time Mr. Gross was in the United States was on November 24, 2009;

Whereas Mr. Gross was arrested on December 3, 2009, in Havana, Cuba;

Whereas Mr. Gross was detained without charge for 14 months;

Whereas Mr. Gross was charged in February 2011 with ''actions against the independence or the territorial integrity of the state'';

Whereas Mr. Gross's trial lasted only 2 days, after which he was sentenced to 15 years in prison;

Whereas Mr. Gross and his wife Judy have 2 daughters, one of which was diagnosed with breast cancer in 2010;

Whereas Mr. Gross's 90-year old mother was diagnosed with inoperable cancer in February 2011;

Whereas, in 2011, Mr. Gross's wife Judy underwent surgery, causing her to miss considerable time from work and putting further financial strain on their family;

Whereas Mr. Gross is 63 years old and has lost more than 105 pounds since being detained in Cuba;

Whereas Mr. Gross has developed degenerative arthritis in his leg and a mass behind his shoulder;

Whereas the Government of Cuba has denied requests by Mr. Gross for an independent medical examination;

Whereas Mr. Gross's legal representative filed an appeal to the Working Group on Arbitrary Detention of the United Nations in August 2012; and

Whereas, since Mr. Gross was detained by the Government of Cuba on December 3, 2009, his health has severely deteriorated and his family members have suffered health and financial problems: Now, therefore, be it

Resolved, That the Senate—

(1) calls for the immediate and unconditional release of United States citizen Alan Phillip Gross; and

(2) urges the Government of Cuba in the meantime to provide all appropriate diagnostic and medical treatment to address the full range of medical issues facing Mr. Gross and to allow him to choose a doctor to provide him with an independent medical assessment.

TEEN CANCER AWARENESS WEEK

Mr. CARDIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 573 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 573) designating the third week of January 2013 as ''Teen Cancer Awareness Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 573) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 573

Whereas cancer among adolescents is rare, but is still the leading cause of death from disease for teenagers between the ages of 15 and 19;

Whereas teenage cancer patients receive treatment at various types of medical establishments, including pediatric hospitals, pediatric oncology centers, and adult cancer facilities;

Whereas teenage cancer patients may feel out of place in any of these settings if their clinical and psychosocial needs are not met;

Whereas 40 percent of cancer patients aged 14 and younger are enrolled in clinical trials, compared with only 9 percent of cancer patients between the ages of 15 and 24;

Whereas teenagers with cancer have unique concerns about their education, social lives, body image, and infertility, among other concerns, and their needs may be misunderstood or unacknowledged;

Whereas many adolescent cancer survivors have difficulty readjusting to school and social settings, experience anxiety, and in some cases face increased learning difficulties; and

Whereas it is important to understand the biological and clinical needs of teenagers with cancer, seek the prevention of cancer in teenagers, and increase awareness in the general public of the unique challenges facing teenagers with cancer: Now, therefore, be it

Resolved, That the Senate designates the third week of January 2013 as ''Teen Cancer Awareness Week'' to promote awareness of teenage cancer and the unique medical and social needs of teenagers with cancer.

NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. CARDIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 595 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 595) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD as if read.

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

The resolution (S. Res. 595) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 595

Whereas there are millions of unparented children in the world, including 400,540 children in the foster care system in the United States, approximately 104,000 of whom are waiting for families to adopt them;

Whereas 59 percent of the children in foster care in the United States are age 10 or younger;

Whereas the average length of time a child spends in foster care is approximately 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas in 2011, nearly 26,000 youth ''aged out'' of foster care by reaching adulthood without being placed in a permanent home;

Whereas every day, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas family reunification, kinship care, and domestic and inter-county adoption promote permanency and stability to a far greater degree than long-term institutionalization and long-term, often disrupted foster care;

Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, nearly 40,000 children have joined forever families during National Adoption Day;

Whereas in 2011, a total of 365 events were held in 47 States and the District of Columbia, finalizing the adoptions of 4,187 children from foster care and celebrating an additional 1,030 adoptions finalized during November or earlier in the year; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 17, 2012: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

COMMEMORATING THE 60TH ANNIVERSARY OF THE GRADUATE RESEARCH FELLOWSHIP PROGRAM

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 610 submitted earlier today by Senators ROCKEFELLER and HUTCHISON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 610) commemorating the 60th anniversary of the Graduate Research Fellowship Program of the National Science Foundation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD as if read.

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

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 610

Whereas the United States is a world leader in science, technology, engineering, and mathematics (STEM) fundamental research and related education;

Whereas an excellent STEM higher-education system is critical to the development of a robust and inclusive U.S. STEM workforce and to U.S. global science and engineering preeminence;

Whereas Congress and President Harry S. Truman created the National Science Foundation (NSF), an independent Federal agency, 62 years ago specifically to advance scientific discovery and innovation through the Nation's basic research and STEM education infrastructure;

Whereas fundamental research supported by NSF across all scientific disciplines have resulted in many significant contributions to Americans' health and security, as well as to technological innovation and U.S. economic prosperity;

Whereas advances in knowledge are made possible by researchers who focus on the fundamental properties of nature, and who mentor and educate the next generation of scientists and engineers;

Whereas 60 years ago, NSF purposefully created the Graduate Research Fellowship Program (GRFP) as an instrument to prepare the Nation's reservoir of science and engineering talent;

Whereas the GRFP, the country's oldest graduate fellowship program, supports outstanding graduate students pursuing masters and doctoral degrees in research at accredited U.S. institutions;

Whereas the GRFP has contributed to the development of outstanding U.S. scholars, entrepreneurs, teachers, mentors, and inventors who continue to support and promote the Nation's science and engineering enterprise and the next generation of scientists and engineers;

Whereas this flagship program helps maintain high-quality and highly skilled graduates who enter the Nation's STEM workforce prepared to innovate and collaborate in the global scientific arena;

Whereas NSF has funded more than 46,500 competitive graduate research fellows with selection criteria based on the intellectual merit of their research and its potential broader impacts for society;

Whereas of the more than 200 NSF-supported Nobel laureates, 40 were selected as graduate research fellows, and more than 440 graduate research fellows have become members of the National Academy of Sciences;

Whereas graduate research fellows have an exceptionally high rate of doctorate completion;

Whereas since 2001, graduate research fellows have filed more than 1,000 patents while working toward their graduate degrees, thus contributing directly to scientific advancement and discovery;

Whereas since 2007, 1145 graduate research fellows were selected from Experimental Program to Stimulate Competitive Research jurisdictions; and

Whereas NSF's GRFP continues to be an essential component of the Nation's discovery and innovation ecosystem, and is instrumental in STEM workforce development: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 60th anniversary of the Graduate Research Fellowship Program of the National Science Foundation; and

(2) continues to recognize U.S. STEM graduate education as central to U.S. workforce competitiveness and our country's international leadership and economic prosperity.

ORDERS FOR THURSDAY, DECEMBER 6, 2012

Mr. CARDIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 6, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following the leader remarks, the Senate be in a period of morning business until 11:45 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the previous order regarding retirement speeches remaining in effect; and that following morning business, the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. CARDIN. Mr. President, the time from 10 a.m. until 11 a.m. tomorrow will be for speeches by our retiring Senators. At approximately 12:10 p.m., there will be two rollcall votes, the first on the passage of H.R. 6156, the Russia trade bill and the Magnitsky bill, and the second on confirmation of the Walker nomination.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CARDIN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Thursday, December 6, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

COAST GUARD RESERVE

PURSUANT TO TITLE 10, U.S. CODE, SECTION 12203, THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE:

To be captain

ROBERT T. HANLEY
GARY W. JONES
DIRK A. STRINGER

IN THE COAST GUARD

PURSUANT TO TITLE 14, U.S.C., SECTION 271(E), THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD:

To be lieutenant commander

AUSTIN L. ADCOCK
LAWRENCE F. AHLIN
ANTONE S. ALONGI
MONICA F. ANDERSEN
MIKAEL D. ANDERSON
JENNIFER J. ANDREW
AUDIE J. ANDRY
EDWARD S. APONTE
MATTHEW S. AUSTIN
BERNARD C. AUTH
SAMUEL H. BABBITT
BRIAN D. BACHTEL
ENGRID A. BACKSTROM
MICHAEL W. BAIRD
JOHN E. BANNON
ROGER B. BARR
STEPHEN T. BAXTER
TODD M. BEHNEY
JAMES R. BENDLE
PATRICIA M. BENNETT
TORREY H. BERTHEAU
ROBERT A. BIXLER
KELLY C. BLACKBURN
JULIE E. BLANCHFIELD
RONALD D. BLEDSOE
BRIAN T. BOLAND
JEFFREY M. BOLLING
ERIN M. BOYLE
TOMMY J. BRACKINS
COREY A. BRADDOCK
ADAM C. BRENNELL
MICHAEL D. BRIMBLECOM
COLLIN R. BRONSON
MARY D. BROOKS
MEAGHAN H. BROSNAN
CODY L. BROWN
KATHERINE L. BROWN
STACI K. BROWN
BRADLEY A. BRUNAUGH
CHRISTOPHER D. BRUNCLIK
MARTIN J. BRYANT
ELIZABETH A. BUENDIA
KENNETH J. BURGESS
NICOLE S. BURGESS
ADAM N. BURKLEY
ERIC S. BURLEY
KARA L. BURNS
WILLIAM R. CAHILL
MICHAEL J. CALDERONE
JAMES J. CAMP
JAMES M. CARABIN
LUIS O. CARMONA
JOEL B. CARSE
CHRISTOPHER L. CARTER
AARON J. CASAVANT
CHRISTY S. CASEY
DAVID K. CHAPMAN
JEFFREY J. CHONKO
GREGORY A. CLAYTON
BRYAN J. COFFMAN
BRADLEY D. CONWAY
ADAM J. COOLEY
JAMES R. COOLEY
GEORGE H. COTTRELL
JEREMY A. COURTADE
MICHAEL T. COURTNEY
ALLISON B. COX
JONATHAN W. COX
BROOKS C. CRAWFORD
BYRON A. CREECH
DANIEL A. CRUZ
DAVID B. CRUZ
WALTER L. DANIEL
MICHAEL R. DARRAH
ARTHUR M. DEHNZ
PHILLIP A. DELISLE
JEREMY R. DENNING
JARROD M. DEWITZ
JENNIFER R. DOHERTY
DOUGLAS M. DOLL

SCOT R. DRUCKREY
LAUREN F. DUFRENE
CHRISTOPHER P. DUFRESNE
FRANCISCO A. ESTEVEZ
PATRICIA L. FERRELL
STANLEY P. FIELDS
JASON M. FINISON
BRANDON C. FISHER
MATTHEW L. FITZGIBBONS
JASON S. FRANZ
MICHAEL FRIEND
TRACY D. FUNCK
MATTHEW A. GANS
LISA L. GARCEZ
KEVIN E. GARCIA
JESSE J. GARRANT
GREG S. GEDEMER
LACRESHA A. GETTER
JAMES A. GIBSON JR
MICHAEL R. GILLHAM
ERIN K. GILSON
GERROD C. GLAUNER
JEROD A. GLOVER
IAN A. HALL
ANDREW P. HALVORSON
KENT D. HAMMACK
ANDERS J. HAMMERSBORG
JAMES J. HANNAM
GREGORY A. HAYES
JUAN M. HERNANDEZ
REYNA E. HERNANDEZ
GERALD J. HEWES
ANTHONY S. HILLENBRAND
JAMES E. HILTZ
MARCUS T. HIRSCHBERG
MATTHEW M. HOBBIE
MARY D. HOFFMAN
CRIST M. HOLVECK
DANIEL J. HUELSMAN
DONALD E. HUNLEY
MICHAEL J. HUNT
DANIEL G. HURD
IAN T. HURST
MARCUS A. IVERY
RAYMOND D. JACKSON
JAMES A. JENKS
BRIANA N. JEWCZYN
NATHANIEL K. JOHNSON
THOMAS D. JONES
MARK C. JORGENSEN
KEVIN L. KAMMETER
KEVIN T. KAROW
ANTHONY J. KENNE
MARGARET D. KENNEDY
JAMES R. KENSHALO
COREY M. KERNS
GREGORY J. KNOLL
MATTHEW R. KOLODICA
MICHAEL A. KOPS
SCOTT C. KRAMER
RICHARD E. KUZAK
RYAN B. LAMB
KARA M. LAVIN
AMANDA M. LEE
ALMERICK C. LIM
BRANDON M. LINK
CHRISTOPHER D. LUCERO
BETH A. MAGER
KRISSY A. MARLIN
RODNEY G. MARTINEZ
MATTHEW K. MATSUOKA
GREGG J. MAYE
KEVIN J. MCDONALD
CLAY D. MCKINNEY
JOHN M. MCWILLIAMS
CHRISTOPHER D. MEIK
NATHAN S. MENEFEE
GEORGE F. MENZE
BRADLEY W. MIDDLETON
DAVID A. MIDDLETON
BROOKE A. MILLARD
JESSE M. MILLARD
JONATHAN D. MILLER
KENNETH R. MILLSON
BORIS MONTATSKY
COMMANDER K. MOORE
MICHAEL C. MOREFIELD
KATHRYN A. MORETTI
ROBERT S. MORRIS
KELLY J. MOYERS
ERNESTO MUNIZTIRADO
GARY C. MURPHY
SCOTT C. MURPHY
STEVEN M. MYERS
RONALD T. NAKAMOTO
SAMUEL R. NASSAR
BRANDON J. NATTEAL
JOSHUA B. NELSON
IAN S. NEVILLE–NEIL
MICHAEL D. NEWELL
MICHAEL C. NORRIS
CHARLES S. NOVAK
STEPHEN P. NUTTING
JEREMY R. OBENCHAIN
JANNA M. OTT
DANIEL G. OWEN
TINA D. OWEN
NICHOLAS W. PARKER
THOMAS T. PEQUIGNOT
LUKE R. PETERSEN
MICHAEL C. PETTA
MARK A. PIBER
SEAN P. PLANKEY
JASON T. PLUMLEY
BEAU G. POWERS
CLAYTON S. PREBLE
KRISTEN M. PREBLE
RANDY L. PRESTON
CHRISTOPHER C. PUTNAM
MILES R. RANDALL
KEVIN J. RAPP
KENT R. REINHOLD
EMILY P. REUTER
JONATHAN P. RICE
CHRISTIAN P. RIGNEY
STANLEY L. ROBINSON
CHAD J. ROBUCK
KENNETH H. ROCKHOLD
THOMAS C. RODZEWICZ
KJELL C. ROMMERDAHL
ELIZABETH M. ROSCOE
JEFFREY H. RUBINI
ERIC S. RUNYON
CATHARINE L. RYAN
MICHAEL K. SAFFOLD
JAIME SALINAS
RICHARD C. SANSONE
ANDREW G. SCHANNO
MATTHEW A. SCHIBLER
BRIAN C. SCHMIDT
WILLIAM A. SCHRADE
DAVID P. SHEPPARD
BRENDAN C. SHIELDS
LUKE M. SLIVINSKI
FRANCES M. SMITH
PABLO V. SMITH
PAUL D. SMITH
SCOTT R. SMITH
WILLIAM M. SNYDER
BENJAMIN J. SPECTOR
DONALD S. STIKER
CHRISTOPHER S. STOECKLER
STEVEN D. STOWERS
KEVIN J. SULLIVAN
ROBERT J. TENETYLO
PHILIP D. THISSE
JOSEPH G. THOMAS
KEITH O. THOMAS
STEPHEN G. THOMPSON
JAROD S. TOCZKO
MIGUEL E. TORREZ
DOUGLAS M. TRENT
ROBERTO N. TREVINO
KRISTOFER A. TSAIRIS
CHRISTOPHER B. TUCKEY
MATTHEW S. TUOHY
JORGE L. VALENTE
BENJAMIN J. VELAZQUEZ
DAVID B. VICKS
BRETT R. WALTER
MATTHEW J. WALTER
BENJAMIN M. WALTON
MOLLY K. WATERS
RYAN A. WATERS
DOUGLAS D. WATSON
JUSTIN L. WESTMILLER
SHANNON M. WHITAKER
NEIL A. WHITE
ROBERT S. WHITESIDE
CARL A. WILSON
CHARLES K. WILSON
ERIC J. WILSON
CHRISTOPHER WOLFER
DANA L. WOODALL
NICHOLAS S. WORST
DAMIAN YEMMA
ISRAEL J. YOUNG
RUSSELL R. ZUCKERMAN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GREGORY A. BISCONE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LISA A. NAFTZGER–KANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL WILLIAM B. BINGER
BRIGADIER GENERAL KEITH D. KRIES
BRIGADIER GENERAL MARYANNE MILLER
BRIGADIER GENERAL JANE C. ROHR
BRIGADIER GENERAL PATRICIA A. ROSE
BRIGADIER GENERAL JOCELYN M. SENG
BRIGADIER GENERAL SHEILA ZUEHLKE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL PAUL L. AYERS
BRIGADIER GENERAL JIM C. CHOW
BRIGADIER GENERAL GREGORY L. FERGUSON
BRIGADIER GENERAL ANTHONY P. GERMAN
BRIGADIER GENERAL RICKIE B. MATTSON
BRIGADIER GENERAL JOHN E. MCCOY
BRIGADIER GENERAL JOHN E. MURPHY
BRIGADIER GENERAL BRIAN G. NEAL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL STEPHANIE A. GASS
COLONEL MARY H. HITTMEIER
COLONEL TIMOTHY P. KELLY
COLONEL THOMAS E. KITTLER
COLONEL KENNETH R. LAPIERRE
COLONEL MARK L. LOEBEN
COLONEL JAMES F. MACKEY
COLONEL WALTER J. SAMS
COLONEL CHRISTOPER F. SKOMARS
COLONEL WADE R. SMITH
COLONEL MARK D. STILLWAGON
COLONEL CURTIS L. WILLIAMS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BERNARD S. CHAMPOUX

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STEVEN A. HUMMER

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JOHAN K. AHN
JOHN D. MCELROY

To be major

JEFFREY S. WILLIAMS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MICHAEL D. SHORTT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DELNORA L. ERICKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

RONALD D. LAIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MATTHEW J. BURINSKAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD G. COOK

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DAVID A. CORTESE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHARLES J. ROMERO

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

MICHAEL D. DO
GREGORY S. SEESE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN T. VOLPE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TAMARA M. SORENSEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JOSEPH N. KENAN

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, December 5, 2012:

THE JUDICIARY

MICHAEL P. SHEA, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. VISCLOSKY. Mr. Speaker, on November 30, 2012, I was absent from the House and missed rollcall vote 613.

Had I been present for rollcall vote 613, on passage of H.R. 6429, to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes, I would have voted ''no.''

CONGRATULATING STUDIO 3 DESIGNS, ORLANDO BUSINESS JOURNAL'S 2012 OUTSTANDING SMALL BUSINESS FINALIST

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Studio 3 Designs on being named one of Orlando Business Journal's 2012 Outstanding Small Business finalists. The award is intended to recognize small businesses which have shown significant community service and excellence in their field of work. Of 90 nominees, Studio 3 Designs was selected as one of three small businesses in the 1–25 employees category.

The Orlando Business Journal's selections for Outstanding Small Business are based on individual firms' revenue, job growth, and community service. Since 2010, Studio 3 Designs has grown its annual revenue 122% and its number of employees has increased by 40%. Studio 3 Designs is also active in the Central Florida community, volunteering with the Make-A-Wish Foundation and the Orlando Historic Preservation Board, and donating design services to the Boys and Girls Clubs of Central Florida.

Studio 3 Design's work has been heralded on several occasions. Most recently, Studio 3 Design's Eola Eyes project in the Mills 50 District received Acoustical Interior Construction Magazine's Bronze Medal for Construction Excellence. The project had previously been recognized by the City of Orlando and Downtown Orlando Partnership.

On behalf of the people of Central Florida, I am pleased to recognize and congratulate Studio 3 Design's achievements and hard work. They are most deserving of being named Outstanding Small Business by the Orlando Business Journal.

HONORING FIREFIGHTER RONALD MORRISON

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize one of my constituents, Mr. Ronald Morrison. Mr. Morrison has dedicated an incredible 50 years of his life to his community and, specifically, to the Felicity-Franklin Fire Department, located in Clermont County, Ohio.

Mr. Morrison began his tenure with the Felicity-Franklin Fire Department in 1962 as a firefighter and engineer. For 25 years he served as Assistant Fire Chief, followed by five years as Fire Chief.

Despite retiring from his job at the American Laundry Machine Company, Mr. Morrison has remained an active volunteer member of the Felicity-Franklin Fire Department, where he currently serves as a primary engineer.

Mr. Morrison's dedicated service to his community has undoubtedly made the Village of Felicity, Franklin Township, and Clermont County, Ohio a safer place to live, work, and play. He serves as a role model to his friends and neighbors and is undeniably deserving of the praise he receives. He is the epitome of public service.

Mr. Speaker, I urge my colleagues to join me in honoring and thanking Mr. Ronald Morrison for his unwavering commitment to his community and to the Felicity-Franklin Fire Department.

HONORING GARDNER WRIGHT

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in recognition of honoring Gardner Wright, a community leader who has served Rome and Floyd County throughout his entire lifetime.

Gardner is affectionately known as the Grandfather of Floyd County, a name befitting the man whose great-great-grandfather, Colonel Daniel R. Mitchell, gave Rome its name.

Gardner served 23 years in the armed services, rising from a private in the U.S. Marine Reserves all the way to the rank of captain in the Army Reserves. He ultimately retired as a sergeant in the Army National Guard.

Mr. Speaker, Gardner exemplifies service and leadership in his community through his work for the American Cancer Society, Boy Scouts of America, and countless local philanthropies.

I am proud to call him a fellow Georgian, but more importantly, a friend.

CONGRATULATING THE OHIO STATE UNIVERSITY FOOTBALL TEAM

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. STIVERS. Mr. Speaker, I rise today to congratulate The Ohio State University football team on a perfect record during the 2012 season. The Buckeyes have now recorded six undefeated seasons in a 123-year history. The determination of this team to win, despite the fact that a postseason was not possible, is truly inspiring.

I would also like to commend Head Coach Urban Meyer on his success with the Buckeyes in his first season with the team. Coach Meyer has shown Ohio State fans that he means business and I look forward to many more perfect seasons under Coach Meyer's watch.

In Columbus, football is a tradition and we take it very seriously—the Buckeyes' perfect season proves that once again. The football team at Ohio State means so much to the people of Ohio and we are truly proud of their perfect season this year. Go Bucks!

HONORING THE LIFE OF MR. TALMADGE ''TAL'' JOHNSON

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. WEBSTER. Mr. Speaker, I rise today to honor the life and service of a dear friend, Mr. Talmadge ''Tal'' Johnson. Mr. Johnson passed away at the age of 87 in Orlando, Florida on November 28, 2012.

Mr. Johnson was born in Bonny Blue, Virginia on February 5, 1925 to the late Ralph and Edrie Johnson. He was a man of great character who honorably served his country in the United States Navy. After his military service, he moved to the private sector where he dedicated 35 years of hard work to AT&T and also worked at Transglobal Communications as a courier for some time.

The numerous contributions that Mr. Johnson made to his community will not be forgotten. He was a charter member of First Baptist Church of Central Florida, previously known as First Baptist Church of Pine Hills, where he was a faithful and active member for 58 years.

He was a loving and dedicated father, son, brother, grandfather, and great-grandfather. On behalf of the citizens of Central Florida, my prayers and condolences go out to his loving wife of 65 years Anna, his daughter Ruth, sister Dorothy, his four grandchildren, and one great-grandchild. May God bless them through this time of remembrance.

GRATEFUL APPRECIATION TO THE PEOPLE OF TAIWAN

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. REED. Mr. Speaker, I speak today in grateful appreciation for the strong gesture of generosity and humanity by the people and government of the Republic of China, Taiwan, for their donation of $1.3 million for the Hurricane Sandy recovery efforts. The Taiwanese donation will be received by the States of New York, New Jersey and Connecticut, as well as Habitat for Humanity and United Way International.

Although a small amount compared to the damage from the storm, it is a symbol of the true friendship and solidarity between the Taiwanese and American people. My sincere thanks and appreciation to the people and government of the Republic of China, Taiwan for this aid in our time of need.

IN RECOGNITION OF JEANETTE HUTCHINSON

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. GINGREY of Georgia. Mr. Speaker, I stand before you today to recognize the retirement of a wonderful woman and true champion of constituent service, Jeanette Hutchinson. For more than 30 years, Jeanette Hutchinson has worked tirelessly assisting constituents from both Georgia and Iowa. As many of you know, we would not be able to accomplish nearly half as much as we do without the help of our congressional staff—especially employees like Jeanette. Her career in constituent services spans 2 states and includes three Congressman, two Senators, and thousands of grateful constituents.

Jeanette launched her congressional career in the Hawkeye State with the offices of Congressman Cooper Evans and Senator CHUCK GRASSLEY. Following years of service to the people of Iowa, Jeanette moved to Atlanta and began serving the people of Georgia with Senator Paul Coverdell's office. Former Congressman Bob Barr claims he "stole" Jeanette from Senator Coverdell's office in 1995, and upon his retirement I was fortunate to have Jeanette join my staff. For the past 10 years, Jeanette thoroughly managed my constituent case work and my case work staff.

Jeanette's job is not for the light hearted. It requires great attention to detail, an immeasurable amount of patience, and the determination to cut through bureaucratic red tape. But this did not dissuade Jeanette. She approached each constituent case as if it were her own, providing Georgians with service that was second to none. Whatever the case may be, Jeanette knows who to ask for, which form to complete, and each deadlines she must comply with. I doubt there is a government agency Jeanette has not called.

Public service has always been a staple in Jeanette's life. Her late husband, Thomas Sellner, to whom she was married for 28 years, served our country as a pilot for the U.S. Navy. Jeanette and Thomas raised six children together, and as many selfless military families do, lived in numerous States and foreign countries fighting for our freedoms. Her ability to adapt to different environments and handle a variety of situations with ease has been reflected throughout her career. Following the loss of her husband, Jeanette wed Marion Hutchinson and began her congressional career.

Jeanette has been an instrumental member of my staff and we will miss her dearly. Mr. Speaker, I wish Jeanette Hutchinson the best of luck in her retirement and thank her for her hard work over her extensive career.

HONORING SHERIFF DWIGHT E. RADCLIFF

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. AUSTRIA. Mr. Speaker, I rise today to recognize Sheriff Dwight E. Radcliff on the celebration of his retirement and for his outstanding years of service to Pickaway County and the state of Ohio.

It is an honor to congratulate Sheriff Radcliff on this momentous occasion as the longest-serving sheriff in the United States of America. Serving as Pickaway County Sheriff since 1965, Radcliff has been committed to the citizens of Pickaway County by protecting life and property, preventing and solving crime and responding to all requests for assistance.

Following in his father's footsteps, Radcliff became the second Radcliff to be sheriff for Pickaway County and the family name has held the position for 66 of the past 70 years. Over the past several decades, Radcliff has had trying and memorable moments—living in the county jail with his family to apprehending the rarest of criminals. Because of his great dedication and reputation for law enforcement, Pickaway County is also referred to as "Putaway Pickaway" by local and state-wide residents.

Beyond his commitment to public service, Radcliff is the husband of 51 years to Betty, the father of 3 and grandfather of 8.

Thus, I join the people of Ohio's Seventh Congressional District in congratulating and honoring Sheriff Dwight E. Radcliff for his many years of dedication and exemplary service to Pickaway County and the state of Ohio, and extend best wishes to he and his family for much success in the future.

CONGRATULATING DR. MICHAEL S. GORDON, M.D., PH.D. ON HIS RETIREMENT

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to take this opportunity to recognize a close friend of mine and a highly accomplished leader in American medical education. Dr. Michael S. Gordon, M.D., Ph.D. is the founder and Professor Emeritus at the Gordon Center for Research in Medical Education and is a Professor of Cardiology at the University of Miami's Miller School of Medicine.

Known internationally for his pioneering work in medical simulation, Dr. Gordon has dedicated his life's work to incorporating advanced technology and simulation into medical education. In 1968, Dr. Gordon presented to the medical community a simulator known as "Harvey." Harvey is a Cardiopulmonary Patient Simulator, a life-sized mannequin able to simulate venous, carotid, and precordial pulsations as well as heart sounds of 27 different cardiac diseases. Since Harvey's introduction in 1968, he has been used to effectively train medical students worldwide and is currently used in over 300 medical schools.

In 2007, the University of Miami established the state-of-the-art Michael S. Gordon Center for Research in Medical Education (GCRME) with the mission of developing training curricula for health professionals, applying advanced technology to medical education, and serving as a resource for medical centers in Florida and throughout the world. GCRME is today the home of an "All-New Harvey," capable of simulating additional diseases and conditions and possessing the ability to talk.

Under Dr. Gordon's leadership, curricula and instructional materials developed by the GCRME are in use in over 1,800 medical centers and agencies worldwide. For over 40 years, the center has pioneered and pursued the center's mission statement: "Saving Lives Through Simulation Technology." They have accomplished this through their dedication to incorporating simulation and technology into medical education.

American medicine and the University of Miami are fortunate to have such dedicated and innovative medical professionals and educators as Dr. Gordon. His commitment to excellence, leadership and service is to be admired, and may it inspire others to follow in his footsteps.

THANKING TAIWAN FOR RELIEF FUNDS DONATED TOWARD RECOVERY AFTER SUPERSTORM SANDY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mrs. MCCARTHY of New York. Mr. Speaker, I wish to extend my sincere gratitude for the relief funds donated by Taiwan which have been designated to aid in the United States' recovery after Superstorm Sandy. This generous donation comes at a time when collaboration and unity among people is the most important step toward recovery, and it is humbling to witness a global effort for relief.

As my colleagues may know, many citizens, including many of my own constituents in Long Island, are still struggling to rebuild their lives after the devastation caused by Superstorm Sandy. The aid offered by Taiwan will directly assist in repairing the coastal region and our nation, both in short term and long term efforts. From a pledge of $1.3 million, $100,000 will be given to New York City, New York State and New Jersey each. The additional $1 million will be split between Washington charities the United Way and Habitat for Humanity, which have been working tirelessly to aid and rebuild the hardest hit areas.

Again, I thank Taiwan for the generosity they have shown to the United States during these difficult times. Relief funds are one of the most important ways in which help can be brought to the storm-stricken areas. I stand alongside the victims of this storm, as well as those who have already dedicated so much time and effort to rebuilding the region, in thanking Taiwan. These resilient people, with the assistance of the relief funds, will see a steady, efficient, and full recovery.

CELEBRATING THE 100TH ANNIVERSARY OF THE ARKANSAS NURSES ASSOCIATION

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to recognize and congratulate the Arkansas Nurses Association (ARNA) on their 100 years of continued leadership in and dedication to the nursing profession in Arkansas.

Nurses play a vital role in our health care system, providing essential patient care and improving the quality of their patients' lives. Nearly all—if not all—Americans have been or will be cared for by a nurse at some point in their lives. And, according to a recent survey by Gallup, nursing was recognized as the most trusted profession in the United States.

For their centennial celebration, ARNA has built their anniversary year around a celebration of ''The Year of the Nurse,'' which has included a celebration of their past, their present, and their future. For the past 100 years, it has been the mission of Arkansas nurses to ensure a healthy Arkansas population and a stronger nursing profession, and with ARNA's service, education, and advocacy, the nursing profession has continued to improve the quality of care delivered throughout Arkansas's 75 counties.

Even after the centennial celebration has concluded, ARNA will continue their efforts in promoting and ensuring developments in advanced education, clinical competency, nursing research, and patient and nurse advocacy.

As ARNA celebrates its centennial anniversary, I honor the efforts of Arkansas nurses who have created a professional organization that continues to advance the nursing profession in Arkansas and throughout the country, and I look forward to another 100 years of their success.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, I missed two votes on Tuesday, November 27, 2012. While I was unable to cast recorded votes on legislation considered by the House, I ask that the record reflect my intentions.

On Tuesday, November 27, the House considered the Senate amendment to H.R. 915, the Jaime Zapata Border Enforcement Security Task Force Act. On rollcall vote No, 609, final passage of H.R. 915 under suspension of the rules, I would have voted ''yes.''

The House also considered H.R. 5997, the Medical Preparedness Allowable Use Act. On rollcall vote No. 610, final passage of H.R. 5997 under suspension of the rules, I would have voted ''yes.''

Further, on November 30, 2012, the House considered H.R. 6429, the STEM Jobs Act. Unfortunately, I failed to cast a vote on final passage and I would like the record to reflect that I would have voted ''aye'' on rollcall vote No. 613, final passage of H.R. 6429.

CONGRATULATING BIGEYE CREATIVE, ORLANDO BUSINESS JOURNAL'S 2012 OUTSTANDING SMALL BUSINESS FINALIST

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate BigEye Creative on being named one of Orlando Business Journal's 2012 Outstanding Small Business finalists. The award is intended to recognize small businesses which have shown significant community service and excellence in their field of work. Of 90 nominees, BigEye Creative was selected as one of three small businesses in the 1–25 employees category.

Founded in 2002, BigEye Creative is a full-service Orlando-based advertising agency, specializing in brand development, marketing and advertising, media buying, web design, social media management, search engine optimization, and video production.

The Orlando Business Journal's selections for Outstanding Small Business are based on individual firms' revenue, job growth, and community service. Celebrating its tenth year of business in Central Florida, BigEye Creative was recently named by Forbes as one of the Top 100 Global Ad Agencies that Know Social Media and Google. BigEye Creative, through a program called BigHeart, is also active in the Central Florida community, volunteering with organizations such as The Mustard Seed Furniture and Clothing Bank, Give Kids the World, and Christian Service Center for Central Florida.

On behalf of the people of Central Florida, I am pleased to recognize and congratulate BigEye Creative's achievements and hard work. They are most deserving of being named Outstanding Small Business by the Orlando Business Journal.

IN RECOGNITION OF THE PLYMOUTH COUNCIL ON AGING SENIOR CENTER

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the Plymouth Council on Aging as the organization opens its new Senior Center.

The Plymouth Council on Aging first opened its doors in July 1973 following the passage of the Older Americans Act, a landmark piece of legislation which allowed local communities to fund supportive services for their senior citizens. The Plymouth Senior Center was an instant success, and before long the organization began to see over 2,500 residents each month. The Center provided such vital services as health and wellness programs, legal assistance, community meals, and assistance with Social Security and Medicare benefits, to name a few. While the Council's board members were thrilled with this success, they realized that the organization was quickly outgrowing its facility on Court Street. After several decades of use, it became clear to both the Council's directors and its patrons that it was time to start planning a new facility that could better serve the needs of the town. Following more than a dozen years of working toward this goal, the Plymouth Council on Aging is proud to officially open its new facility this December.

This new Plymouth Senior Center will be better equipped to handle the needs of a large and diverse population of senior citizens. As Plymouth is home to more than 12,000 individuals over the age of sixty, this is certainly no easy task. The new building is conveniently situated next to Plymouth North High School, and students are excited to be able to more easily volunteer at the Senior Center. The Council on Aging will continue to provide many necessary services to Plymouth senior citizens, and all who are connected with this organization are excited to see its continued growth in the future.

Mr. Speaker, please join me in thanking the Plymouth Council on Aging for its many years of dedicated service to the citizens of Plymouth. I ask that my colleagues join me in recognizing this accomplishment, and in congratulating the organization upon the opening of its new Senior Center.

IN HONOR OF MAJOR JOHN SHIPE AND HIS SERVICE TO OUR COUNTRY

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. WALZ of Minnesota. Mr. Speaker, I rise to pay tribute to Major John Shipe, of the United States Army for his extraordinary dedication to duty and service to our Nation. Major Shipe will be moving on from his present assignment as a Congressional Liaison for the Army to Office of the Secretary of Defense to work on Reserve Affairs.

A native of Jacksonville, Florida, Major Shipe graduated from Jacksonville University and earned his Bachelor's Degree in Business Administration. He later earned a Master's in Legislative Affairs from George Washington University. His awards and decorations include: Bronze Star Medal, Meritorious Service Medal, Army Commendation Medal (1 Oak Leaf Cluster), Army Achievement Medal (1 Oak Leaf Cluster), the Parachutist Badge, and the German Armed Forces Proficiency Badge (Gold).

Following his graduation from Jacksonville University in May 2001, Major Shipe was commissioned in the Army Reserve as a Military Police Officer. His first assignment was with 351st Military Police Company in Ocala, FL where he served as a Platoon Leader and Company Commander. He left his job as an

Account manager for the General Electric Company to deploy in support of Operation Iraqi Freedom from May 2003 to June 2004. During his time in the combat zone, he was responsible for training Iraqi Security Forces and providing security to convoys throughout Southern Iraq. After returning from his tour in Iraq, John choose to go onto active duty as an Army Reserve Officer and move to Lubbock, Texas where he served in the 413th Civil Affairs Battalion from 2006 to 2008. In 2008, John moved to Columbus, Ohio to take command of the 342nd Military Police Company. As its commander, Major Shipe deployed to Iraq for a second time in 2008. This time John served in Tikrit and was partnered with the Iraqi Security Forces for more twelve months. Upon completion of his second combat tour, John was selected for the prestigious Army Congressional Fellowship Program. During his fellowship he was chosen to serve on my staff where he utilized his extensive military experience to provide expert advice on military and veterans' issues. In May 2011, he arrived in the House Army Liaison Division where he assumed his role as a Legislative Liaison and continued to honorably serve as a conduit between the Army and Congress.

Mr. Speaker, it has been a pleasure to work closely with Major Shipe over the last few years of his decorated career. On behalf of a grateful Nation, I join my colleagues today in recognizing and commending Major Shipe for dedicating his life in service to his country. For all he and his family, have given and continue to give to our country; we are in their debt. We wish him, his wife Kelli, and their three children Jacob, John and Kinsley all the best as they continue their journey to his next assignment in the United States Army.

HONORING THE HARD TIMES CAFÉ

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. ELLISON. Mr. Speaker, I rise today in honor of the Hard Times Cafe on the occasion of their 20th anniversary to recognize its contribution to the culture and economy of the great state of Minnesota.

Founded in 1992 as a 24-hour restaurant, the Hard Times Cafe has become a staple of the Cedar-Riverside neighborhood of Minneapolis. The Cafe was started by eight employees out of the vestiges of a failing restaurant in the same location, The Urban Peasant. They came together to form a new cooperatively owned business that has become known for its gritty ambiance, affordable prices, and large selection of vegan and vegetarian food. The Cafe is open 22 hours a day, only closing between the hours of 4 am and 6 am.

After closing in August 2007 for required maintenance that was meant to last a few weeks, the Hard Times Cafe was forced to remain closed for a matter of months. With some assistance from a fellow Minneapolis worker cooperative, the Seward Community Café, they were able to reopen their doors at midnight on December 16, 2007 with many new improvements. The resilience of the workers at the Hard Times Café is a testament to the vitality of the American entrepreneurial spirit and the ingenuity of Minnesotans. I applaud them for taking the initiative and creating an atmosphere that is truly unique to Minneapolis.

The Hard Times Café also contributes to the civic engagement of the city of Minneapolis; Cam Gordon, the Minneapolis Second Ward City Council Member, holds his open office hours in the Café on the first Tuesday morning of each month.

I truly appreciate everything that the Hard Times Café has contributed to Minneapolis, and I thank them for their contributions.

HONORING BARBARA KOIRTYOHANN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Barbara Koirtyohann upon her retirement and to reflect on her years of service to her community.

Barbara has served as the longtime Director of Public Affairs at Hallmark Cards, Ltd. Her influential leadership has extended beyond Hallmark as well, lending her talents as co-chair of the Postal Affairs Committee with the Greeting Card Association and as a member of the Board of Directors for the Public Affairs Council. Beyond her profession, Barbara has also contributed to her community through many civic and charitable organizations in Kansas City. She has served on the Board of Directors for the Truman Heartland Community Foundation, supporting the efforts of the Truman Medical System; as an Advisory Board member for the Hope House, a domestic violence shelter in Lee's Summit; and as a member of the Missouri Mansion Preservation Board, working to preserve and maintain the Missouri Governor's mansion in Jefferson City.

Mr. Speaker, I proudly ask you to join me, her daughter Cindy and grandson Lucas, and all her friends and family in commending Barbara Koirtyohann for her accomplishments and her leadership professionally and her dedication to her community.

THE AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. KIND. Mr. Speaker, I rise in strong support of H.R. 6582, the American Energy Manufacturing Technical Corrections Act as it provides technical corrections and regulatory certainty to a number of domestic manufacturers. The legislation, which I am proud to cosponsor, has bi-partisan and bi-cameral support, not to mention the support of manufacturers and the NGO community. More specifically I would like to thank Chairman Whitfield and Mr. ADERHOLT for including H.R. 482, the Water Heater Rating Improvement Act of 2011, or Section 3 of the underlying bill, that will fix a regulatory problem related to the test methodology that the Department of Energy uses to calculate the efficiency levels of water heaters, which the Department has acknowledged is broken. The legislation will also level the playing field for domestic water heater manufacturers vs. foreign manufacturers and provide the necessary regulatory and business certainty that domestic water heater manufacturers have been calling for over four years. This will also lead to significant energy saved by highly efficient U.S. produced water heaters, many of which were designed in my home state of Wisconsin. In addition, Mr. Speaker, the legislation has the potential of adding up to 1,000 jobs in domestic water heater factories, one of which is in Wisconsin, and thousands of more indirect jobs associated with the manufacturers supply chain.

Finally Mr. Speaker, I'd again like to thank Chairman WHITFIELD and Mr. WAXMAN for their hard work on the bill and steering an accommodative process, and Mr. ADERHOLT and Mr. CARNAHAN for their leadership on the legislation.

A TRIBUTE TO DINA MANFREDINI

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize Iowan and supercentenarian Dina Manfredini on being named the most senior person in the world by the Gerontology Research Group. Dina is 115 years, 244 days young and resides in Johnston, Iowa.

Dina was born in April of 1897 in Italy before moving to the United States at age 23 where she would go on to marry and have four children. Ms. Manfredini has worked in Iowa to support her family since the 1940's when her husband was injured in Des Moines' coal mine, even cleaning houses for additional income well into her tenth decade of life.

Our world has changed a great deal during the course of Dina's 115 years. Since her birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and witnessed the birth of new democracies. Dina has lived in three separate centuries through twenty U.S. Presidents and twenty–six Governors of Iowa. In her lifetime, the population of the United States has more than tripled and, as of today, none can claim to be older than Dina.

Mr. Speaker, it is my distinct pleasure to honor Dina's amazing life. I invite my colleagues in the House to join me in congratulating Dina on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

IN HONOR OF THE CONNECTICUT VETERANS HALL OF FAME INDUCTEES

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. COURTNEY. Mr. Speaker, on November 28th twelve new members were inducted

into the Connecticut Veterans Hall of Fame. I am happy to represent three of them in Congress. Manuel Michael Cardoza Jr. of Preston, Paul Francis Dillon of Gales Ferry, and Herbert Thomas Schacht of Quaker Hill have all served their country with distinction both in and out of uniform and each is well-deserving of their recent induction.

Manuel Cardoza served in the United States Army from 1951 to 1953, including eight months stationed in Korea. Since returning home over fifty years ago, Manuel has actively assisted his fellow veterans. He served as a commander of the Veterans of Foreign Wars posts in Norwich and Preston, as well as the American Legion Post 4. As a corporal medical technician in Korea, Manuel showed his commitment to public health through the organization of numerous health screenings throughout the state. He also served as President of the Connecticut Sickle Cell and New London Chapter Disease Research Foundation and sat on the Backus Hospital Board of Directors.

Paul Dillon is a retired Navy master chief radioman who served from 1956 to 1980. During his service in the Vietnam War, Dillon and many of his shipmates fell ill with diseases related to Agent Orange. Paul was troubled by the treatment and lack of care received for some of his colleagues. This inspired him to devote countless volunteer hours with veteran and military groups and to become a leader in the National Association for Uniformed Services. Even while he was battling prostate cancer, Paul worked hard to ensure that other Vietnam veterans received the benefits and treatments that they needed. He continues to assist retired service members and their families each Wednesday at the Retired Activities Office on the submarine base in Groton.

Herbert Schacht spent three years as a medical/surgical tech in during World War II, working stateside in Army hospitals. Upon leaving the military in 1946, Herbert returned home to work at the Waterford Country School. Although he intended to stay for a few short months, Herbert spent the next forty years aiding children with special needs and mental health issues. After retiring as the school's director, Herbert continued to dedicate much of his free time to volunteer work. He worked as a SCORE counselor where he assisted small businesses get off the ground, participated in AIDS work in Africa, and assisted an adoption service in Guatemala.

As veterans return home from serving abroad, they bring valuable skills and strength back to their communities and continue their services to the country. Their induction into the Connecticut Veterans Hall of Fame is a powerful statement of their service to our country both in active duty and as veterans. It is a small elite who receive this honor, and they will be forever remembered at the State Capitol in Hartford as true leaders and examples for future generations. I ask my colleagues to join with me in recognizing and congratulating these extraordinary veterans.

HONORING SALVATORE CIARAMITARO

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Ms. HAHN. Mr. Speaker. I rise today to honor the memory of Salvatore ''Sam'' Ciaramitaro, who passed away on November 27, 2012, at 73 years of age. Sam was born on March 22, 1939, in his native town of Terrasini, Sicily. He was a long-term resident of San Pedro, where he was married and raised his children. During his time in San Pedro, he worked as a commercial fisherman and was known for having the sharpest eyes on the ocean.

Sam was a master of many trades. He poured his heart into any task and completed each and every one with perfection and precision. He was his happiest when spending time with his children and grandchildren who were his pride and joy.

Sam Ciaramitaro is survived by his wife Grace; his daughter Geralyn and her husband, the recently elected Los Angeles Councilman Joe Buscaino who represents the 15th Council District in the City of Los Angeles; his daughter Mary Cammareri and her husband Mike Cammareri; his son Donny Ciaramitaro and his wife Sandra Ciaramitaro; his daughter Anna Moore; and his seven grandchildren, Paola, Gracelyn, Sammy, Brandon, Matteo, Gia, and Lucas. He will be truly missed by his friends and loved ones.

HONORING FORMER CONGRESSMAN JACK BROOKS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of former Congressman Jack Brooks, the renowned Member of Congress from Beaumont, Texas. Congressman Brooks served the American people in the U.S. Congress for 42 years of his life. He was 89 years of age when he passed away last night.

Congressman Brooks was first elected to the U.S. House of Representatives in 1952. Almost immediately, Congressman Brooks turned his attention to increasing government transparency and efficiency, and this devotion became a guiding principle of his career. Congressman Brooks was pivotal in the passing of legislation that established the independent Offices of Inspector General, which oversee federal agencies in an effort to prevent fraud and waste. Congressman Brooks also crafted the standard by which the government must award federal contracts in an openly competitive process. By the end of his career, he was attributed with saving the American taxpayer billions of dollars by curbing government excess, and streamlining operations within the Executive and Legislative branches of the U.S. Government.

Congressman Brooks was also a renowned leader of social justice. Defying most of his colleagues in the Texas delegation, Congressman Brooks saw a greater future for America through equality, and helped draft the Civil Rights Act of 1964 and the Voting Rights Act of 1965. As a true public servant devoted to the pursuit of the greater good, Congressman Brooks earned the support of labor unions, minorities, and pro-choice activists in a region that otherwise lacked the unified support for such progressive views at the time.

Mr. Speaker, Congressman Brooks was a leader among leaders, and was well regarded for his uncompromising character and integrity. As a fierce advocate for the American people, Congressman Brooks has left a lasting legacy and the indelible mark of progress in U.S. history. A true statesman, he set the bar to which all Members of Congress should aspire. I wish to extend my appreciation for his contributions to this body and to his country.

CONGRATULATING PROFESSOR TODD PAGANO OF THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF ON BEING NAMED U.S. PROFESSOR OF THE YEAR

HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Ms. SLAUGHTER. Mr. Speaker, it is my esteemed honor to congratulate Dr. Todd Pagano, an associate professor and director of the Laboratory Science Technology program at Rochester Institute of Technology's (RIT) National Technical Institute for the Deaf (NTID), for being named the 2012 U.S. Professor of the Year by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching. The U.S. Professors of the Year Awards Program, created in 1981, is the only national initiative specifically designed to recognize excellence in undergraduate teaching and mentoring. Todd was selected from more than 300 applicants for this award. He is the first RIT faculty member to receive this award.

The world's first technological college for deaf students, NTID provides a world-class college education leading to jobs and career advancement for deaf and hard-of hearing students from all 50 states. Though not deaf or hard-of hearing, Professor Pagano's conviction to learn American Sign Language (ASL) in record time after receiving his Doctorate in Chemistry from Tufts University was already a feat in itself. His ability to effectively communicate with and inspire his students—who have a near 100 percent employment rate after graduation—is unparalleled.

While serving as Director of the Laboratory Science Technology Program and teaching a full-time class load, Professor Pagano has made it his personal mission to provide mentorship and opportunities for deaf and hard-of-hearing students to excel in the study of chemistry. He has championed the advancement of deaf and hard-of-hearing students attending NTID and witnessed the betterment and employment of countless students. As Dr. Pagano has said, ''Knowing my students have acquired knowledge that can make a difference in their lives by helping them obtain a job is truly rewarding.''

I am so proud of Professor Pagano and NTID and am grateful to have had the privilege to congratulate Todd and his wife—also

an educator at Rochester Institute of Technology (RIT)—personally for this prestigious recognition when they came to Washington, DC last month to accept the award.

Today, on the floor of the U.S. House of Representatives, I congratulate Professor Todd Pagano of the Rochester Institute of Technology's National Technical Institute for winning the highly celebrated 2012 U.S. Professor of the Year Award. I ask my colleagues to join me in celebration of this momentous honor.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. BASS of New Hampshire. Mr. Speaker, on rollcall Nos. 614, 615, 617, 618, and 619, had I been present, I would have voted ''yea.''

WAYNE ROBERTS

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. OWENS. Mr. Speaker, I rise today to recognize one of my constituents, Wayne Roberts, for his 50 years of service in Upper Jay, NY.

In his various capacities with the Upper Jay Volunteer Fire Department, Mr. Roberts served his community with dedication and tireless effort. Last year when the Town of Jay was severely affected by Hurricane Irene, Mr. Roberts spent countless hours toward the relief and recovery effort. Currently, as the Fire Department's Commissioner, he serves Upper Jay and remains integral in the rebuilding effort from Hurricane Irene.

Again, I congratulate Mr. Roberts on his 50 years of service. I cannot thank him enough for his commitment to his community and wish him all the best in the years to come.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. FORTENBERRY. Mr. Speaker, on Tuesday, December 4, 2012, I was inadvertently detained and thus missed rollcall votes Nos. 614, 615, and 616. Had I been present, I would have voted ''aye'' on all rollcall Nos. 614 and 615 and ''nay'' on rollcall No. 616.

RECOGNITION OF TAIWAN'S SUPPORT FOR HURRICANE SANDY VICTIMS

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. SIRES. Mr. Speaker, Hurricane Sandy was an unprecedented storm that left a devastating impact on our communities in New Jersey—damaging homes, businesses, and leaving millions without power. Hudson, Essex, Middlesex, and Union counties, were hit particularly hard by Sandy. We have been fortunate to have a large team of federal, state, and local responders to assist in recovery efforts.

Beyond, the recovery and assistance efforts led by federal, state, and local responders, fellow American citizens from all over the country donated their time and money to aid Sandy victims. In addition, international aid also poured into our communities. Worthy of particular mention is the assistance provided by the government of The Republic of China (Taiwan).

On November 16, Taiwan announced that it had decided to donate $1.3 million in relief and reconstruction aid to the United States. One million dollars will be given to United Way International and Habitat for Humanity International, charities based in Washington, D.C. These two organizations are addressing near term and long term recovery needs of communities most affected by Sandy. The rest of the funds will be distributed to the states of New Jersey and New York. A special ceremony marking the transfer of the funds to those organizations will be held in Washington, D.C. on December 6.

We are grateful to the people of Taiwan and the ROC government for extending a helping hand during this difficult time. The people of Taiwan and their government have always been charitable and generous during our times of need. Taiwan gave generously in the aftermath of Hurricane Katrina in 2005 and it was a major international donor to the Twin Towers Fund, as well as the Pentagon Memorial Fund. Taiwan was also a heavy contributor to humanitarian aid in Iraq and Afghanistan.

On behalf of my constituents and fellow Americans, I say ''thank you'' to our friends in Taiwan.

PERSONAL EXPLANATION

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Ms. HOCHUL. Mr. Speaker, I was detained and missed rollcall vote No. 610, H.R. 915. Had I been present, I would have voted ''aye'' on rollcall vote No. 610.

TRIBUTE TO: MRS. PETRA ''PAT'' PENA

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Petra ''Pat'' Pena who is retiring after a 34 year career with the United States Marshals Service.

Throughout her tenure with the Marshals Service, Mrs. Pena worked as a member of the finance department. As a result of her exceptional work, she received the distinguished honor of serving as Administrative Officer Mentor for Guam. Throughout her tenure with the Marshals Service, she displayed leadership, professionalism and dedication.

She ends her career as a public servant, while continuing the chapter of her personal life as a loving wife, mother and grandmother. She has been married to her husband Daniel for 31 years, and they have three children and two grandchildren. Please join me in recognizing her career of distinguished service and contribution to our great country.

HONORING LAWRENCE THOMAS GUYOT, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to Mr. Lawrence Thomas Guyot who stood as the ideal example of a politically-engaged activist with a relentless desire to change history. Mr. Guyot's noble contributions to the Civil Rights movement gained him notoriety as one of the great champions for justice and equality in this country.

Born July 17, 1939 in Pass Christian, Mississippi, Mr. Lawrence Thomas Guyot Jr. earned his high school diploma in 1957 from Randolph High School where he was a member of the debate and basketball teams. He later attended Tougaloo College, where he earned his Bachelor of Science degree in Biology and Philosophy in 1964.

Mr. Guyot's interest in social justice issues developed while he was a student at Tougaloo College which, at that time, stood for many as a safe haven during the Civil Rights movement. Mr. Guyot, along with several other students took an active role in combating the mistreatment and exclusion of African Americans who were pursuing their right to vote; demonstrating their adamant objection to these social ills.

Mr. Guyot became an original member of the Student Nonviolent Coordinating Committee (SNCC) where he served as a field secretary working on voter education and registration throughout Mississippi. Mr. Guyot was repeatedly challenged, jailed and often beaten as he helped lead fellow members of the SNCC and student volunteers from around the nation in organizing African Americans to vote. His works impacted many of the state's counties where no African Americans were ever registered.

Through the difficult times and constant opposition, Mr. Guyot courageously continued his work in civil rights. In 1964, Mr. Guyot served as director of the 1964 Freedom Summer Project which brought thousands of young people to the state to register African Americans to vote in opposition to the state's traditional habits of excluding most African Americans from voting through acts of violence and intimidation by authorities. In the same year, Mr. Guyot further pushed the campaign for greater African American participation in politics by serving as chairman of the integrated Mississippi Freedom Democratic Party. It lost its challenge to the established Mississippi party at the Democratic National Convention in 1964, but its efforts were seen as paving the way for the landmark passage of the Voting Rights Act of 1965. Later that year, Guyot was

elected as delegate to the 1964 Democratic National Convention (DNC) in Atlantic City, New Jersey which he was unable to attend due to having been jailed following a meeting held to register a group of African American voters. However, the Mississippi Freedom Democratic Party's actions and involvement at the convention would charter in the desegregation of future conventions and an expansion on the inclusion of minorities within the Democratic Party.

After serving as a delegate of Mississippi's first integrated delegation to the Democratic National Convention in 1968, Guyot graduated from Rutgers Law School in Newark, New Jersey, served as an Advisory Neighborhood Commissions' (ANC) Commissioner in Washington, District of Columbia, and continued his efforts as a Civil Rights activist working tirelessly to educate numerous young people about the importance of voting and voting rights up until his death on November 23, 2012.

Mr. Guyot was a soldier of the people and a mentor of the youth. He spent a lifetime vigorously fighting to increase access to the voting booth and the rights of all to have their voice heard in the electoral process.

Mr. speaker, I ask my colleagues to join me in paying tribute to the outstanding life time achievements and legacy of Mr. Lawrence Thomas Guyot, Jr. His dedication and unwavering service to the underserved, underprivileged and the youths of tomorrow is laudable and more than worthy of our recognition.

PAYING TRIBUTE TO COLONEL (RETIRED) HERBERT A. COLEY FOR EXCEPTIONAL SERVICE TO THE UNITED STATES ARMY AND TO OUR NATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. CARTER. Mr. Speaker, I rise to pay tribute to Colonel (Retired) Herbert A. Coley, a member of the Senior Executive Service, for his exceptional dedication to duty and service to the United States Army and to the United States of America. On December 31st, Colonel (Retired) Herbert Coley will be leaving Federal Service after a total of 39 years of selfless and dedicated service to our Nation as an Army Officer and as a government civilian. His distinguished career is culminating as the Chief of Staff of the Army Medical Command where he ensured that Army Medicine met the needs of our Soldiers, their Families, and others entrusted to the Army's care.

The son of an Army Medic and an Army Nurse and a native of San Antonio, Texas, Colonel (Retired) Coley had more than 28 assignments over his 39 years of government service. He entered active duty in 1970 commissioned as a Second Lieutenant in the Army Medical Service Corps after graduating from Trinity University. He served 28 years as an Army Officer as an aero medical evacuation pilot, healthcare administrator and commander. His active duty Army assignments included: Air Ambulance Section Leader at Fort Stewart, Georgia and Camp Mosier, Korea; Operations Officer and Platoon Leader for the 507th Medical Company (Air Ambulance); Commander, Headquarters and Support Company, 25th Medical Battalion, 25th Infantry Division; Commander, 507th Medical Company (Air Ambulance); Commander, 41st Combat Support Hospital; Chief of Manpower Programming and Analysis, Office of The Army Surgeon General; and, Director, Program Analysis and Evaluation, Army Medical Command. While on active duty he received a Master of Health Administration from Baylor University, graduated from the Armed Forces Staff College and was a fellow at the RAND Arroyo Center. Herbert Coley returned to government service shortly after retiring from the military and provided another 11 years of service. He had served as the Chief of Manpower Division, Army Medical Command and in 2009 he entered the Senior Executive Service as the Chief of Staff, Army Medical Command.

Colonel (Retired) Herbert A. Coley has devoted his life to the Army and our Nation's men and women in uniform. As the Chief of Staff of the U.S. Army Medical Command his skilled leadership was essential to improving the care or our Wounded Warriors and the readiness of our Army. He led this global organization with unwavering energy and compassion that endeared him to all, inspired trust and improved millions of lives. Herb Coley is one of the main reasons that Army Medicine is a preeminent system for health care in America.

Mr. Speaker, on behalf of a grateful nation, I join my colleagues today in recognizing and commending Mr. Herbert Coley for a lifetime of service to his country. We wish Herb and his wife Stephanie all the best as they continue their journey in retirement.

HONORING COUNCILMEMBER NANCY PYLE UPON HER RETIREMENT FROM THE SAN JOSE CITY COUNCIL

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Ms. LOFGREN of California. Mr. Speaker, I rise with my colleagues, Congresswoman ANNA ESHOO and Congressman MIKE HONDA, to acknowledge and honor Councilmember Nancy Pyle upon her retirement from the San Jose City Council.

Nancy has been the San Jose City Councilmember for District 10 since 2005, representing approximately 100,000 residents from Almaden and Blossom Valley. She graduated from LeMoyne College in Syracuse, New York, where she majored in French. She received her Masters Degree in Educational Administration from the U.S. International University in San Diego. In 1960, Nancy moved to San Jose with her family where she served as a teacher, Community Relations Manager, and Legislative Analyst for San Jose Unified School District. Nancy is a former San Jose/Evergreen Community College Board Trustee.

On the City Council, Nancy worked hard to maintain our streets and parks, keep our neighborhoods safe, invest resources in youth and senior programs, and make city government more accountable. When the City's general fund deficit threatened to eliminate the Domestic Violence Prevention Program, Nancy pledged $20,000 from her office budget to help temporarily fund the City's Domestic Violence Prevention Coordinator position. When San Jose Family Camp was struggling to meet the cost-recovery requirements set by the City Council, she sought the help of Congresswoman ESHOO, Congressman HONDA, and myself. At her request, we sent a letter to the National Forest Service for a special five-year permit for San Jose's Family Camp at Yosemite. In November 2010, in order to increase public safety, Nancy proposed that San Jose adopt a Social Host Ordinance to hold adults accountable for underage drinking on private property. After advocating for nearly a year and a half, the City Council passed the ordinance last spring.

In 2010, Nancy worked with the San Jose Redevelopment Agency to open the first Whole Foods in San Jose. The opening brought new life and energy to the area and paved the way for many other businesses to successfully open their doors in the same shopping center. Nancy was honored this spring to accept the City's largest gift to date, $4.2 million dollars privately donated to help fund a City partnership with the San Jose Unified School District for two more turf fields at Allen at Steinbeck School.

Councilmember Nancy Pyle is retiring and we wish her all the best in the years to come. We commend Nancy for her valuable service. The community is very fortunate to have benefited from her advocacy, passion, and commitment. She has left her mark in San Jose and we know she will continue to play a positive role in our community during her retirement.

REMARKS CELEBRATING THE 85TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. ROYCE. Mr. Speaker, on December 5th His Majesty King Bhumibol Adulyadej of Thailand celebrated his 85th birthday. I would like to take this opportunity to express my well wishes and best regards to him and to the people of Thailand.

Throughout his 66-year reign, King Bhumibol—currently the world's longest reigning monarch—has been a strong proponent for Thailand's development. Since the 1950s, he has initiated more than 4,000 development projects throughout Thailand, ranging from public health, agriculture productivity, environment, flood and drought, education and job creation.

These activities have helped raise the standard of living of Thais, particularly those in rural and difficult-to-reach areas.

King Bhumibol's hard work and contributions have earned him admiration worldwide. In 2006, the United Nations Development Programme awarded King Bhumibol its first-ever Human Development Lifetime Achievement Award.

Born in Cambridge, Massachusetts on December 5th, 1927, King Bhumibol has played an important role in promoting Thai-U.S. friendship, including his two state visits to the United States in 1960 and 1967.

As we celebrate King Bhumibol's birthday, it is an opportunity to look forward to next year's

celebration of the 180th Anniversary of the U.S.-Thailand treaty alliance. Thailand is our longest standing ally in Asia, and has been a reliable partner and friend in the region.

The United States and Thailand's partnership is wide ranging; we are economic partners, we participate in military training exercises together, and our cultural and people-to-people exchanges are on the rise. The two countries have cooperated on counterterrorism.

As our relationship continues to strengthen, we are delighted to join our friends in Thailand in celebrating the 85th birthday of His Majesty King Bhumibol Adulyadej on December 5, 2012.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2012

Mr. BASS of New Hampshire. Mr. Speaker, on rollcall No. 616, had I been present, I would have voted ''nay.''

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 6, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 10

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the state-sanctioned marginalization of Christians in Western Europe, focusing on the origins, methods, and implications of such a movement and its relation to religious freedom rights as they are protected in major international human rights agreements.

TBA

DECEMBER 11

10:30 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine streamlining and strengthening Housing and Urban Development's (HUD) rental housing assistance programs, part II.

SD–538

2:30 p.m.

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

DECEMBER 12

10 a.m.

Committee on Finance

Subcommittee on Energy, Natural Resources, and Infrastructure

To hold hearings to examine tax reform and Federal energy policy, focusing on incentives to promote energy efficiency.

SD–215

Committee on Veterans' Affairs

To hold hearings to examine the nomination of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training.

SR–418

Committee on the Judiciary

To hold hearings to examine certain nominations.

SD–226

2 p.m.

Committee on the Judiciary

Subcommittee on the Constitution, Civil Rights and Human Rights

To hold hearings to examine ending the school-to-prison pipeline.

SD–226

DECEMBER 13

10 a.m.

Committee on Finance

To hold hearings to examine improving care for dually-eligible beneficiaries, focusing on a progress update.

SD–215

2:30 p.m.

Select Committee on Intelligence

To hold a closed business meeting to consider certain intelligence matters.

SH–219

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7405–S7641

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 3657–3662, and S. Res. 609–610. **Pages S7458–59**

Measures Reported:

Report to accompany S. 183, to clarify the applicability of certain maritime laws with respect to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon. (S. Rept. No. 112–245)

Report to accompany S. 1759, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition. (S. Rept. No. 112–246)

Report to accompany S. 2279, to amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site. (S. Rept. No. 112–247)

Report to accompany S. 3410, to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006. (S. Rept. No. 112–248) **Page S7458**

Measures Passed:

Intercountry Adoption Universal Accreditation Act: Senate passed S. 3331, to provide for universal intercountry adoption accreditation standards, after agreeing to the following amendment proposed thereto: **Pages S7636–37**

Cardin (for Kerry) Amendment No. 3310, in the nature of a substitute. **Pages S7636–37**

Alan Phillip Gross: Senate agreed to S. Res. 609, calling for the immediate and unconditional release of United States citizen Alan Phillip Gross from detention in Cuba and urging the Government of Cuba to address his medical issues. **Pages S7637–38**

Teen Cancer Awareness Week: Committee on the Judiciary was discharged from further consideration of S. Res. 573, designating the third week of January 2013 as "Teen Cancer Awareness Week", and the resolution was then agreed to. **Page S7638**

National Adoption Day and National Adoption Month: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 595, expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children, and the resolution was then agreed to. **Page S7638**

Graduate Research Fellowship Program: Senate agreed to S. Res. 610, commemorating the 60th anniversary of the Graduate Research Fellowship Program of the National Science Foundation. **Page S7639**

Measures Considered:

Russia and Moldova Jackson-Vanik Repeal Act—Agreement: Senate began consideration of H.R. 6156, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization.

Pages S7437–45, S7448–53

A unanimous-consent-time agreement was reached providing that no amendments be in order to the bill; that on Thursday, December 6, 2012, at a time to be determined by the Majority Leader, after consultation with the Republican Leader, there be up to ten minutes of debate equally divided between the two Leaders, or their designees; and that upon the use or yielding back of time, Senate vote on passage of the bill. **Pages S7435–36**

Walker and Berg Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at 11:45 a.m., on Thursday, December 6, 2012, Senate begin consideration of the nominations of Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida, and Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan; that there be 15 minutes for debate equally divided in the usual form; that following the

period of debate on the nominations, Senate proceed to Legislative Session to resume consideration of H.R. 6156, and following disposition of H.R. 6156, Senate resume Executive Session and vote without intervening action or debate on confirmation of the nominations of Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida, and Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan, in that order; and that no further motions be in order. **Page S7636**

Nomination Confirmed: Senate confirmed the following nomination:

By 72 yeas to 23 nays (Vote No. EX. 222), Michael P. Shea, of Connecticut, to be United States District Judge for the District of Connecticut.

Pages S7445–48, S7641

Nominations Received: Senate received the following nominations:

29 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

1 Marine Corps nomination in the rank of general.

Routine lists in the Air Force, Army, Coast Guard, Coast Guard Reserve, and Navy.

Pages S7639–41

Messages from the House: **Page S7457**

Measures Referred: **Page S7457**

Executive Communications: **Pages S7457–58**

Additional Cosponsors: **Page S7459**

Statements on Introduced Bills/Resolutions: **Pages S7459–60**

Additional Statements: **Pages S7456–57**

Amendments Submitted: **Page S7460**

Authorities for Committees to Meet: **Page S7460**

Privileges of the Floor: **Pages S7460–61**

Text of S. 3254 as Previously Passed: **Pages S7461–S7636**

Record Votes: One record vote was taken today. (Total—222) **Page S7448**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:11 p.m., until 9:30 a.m. on Thursday, December 6, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7639.)

Committee Meetings

(Committees not listed did not meet)

HURRICANE SANDY

Committee on Appropriations: Subcommittee on Department of Homeland Security concluded a hearing to examine Hurricane Sandy, focusing on response and recovery and progress and challenges, after receiving testimony from Senators Schumer, Mikulski, Lieberman, Reed, Carper, Cardin, Gillibrand, and Blumenthal; Shaun Donovan, Secretary of Housing and Urban Development; and W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security.

MALI

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine assessing developments in Mali, focusing on restoring democracy and reclaiming the north, after receiving testimony from Johnnie Carson, Assistant Secretary of State, Bureau of African Affairs; Earl Gast, Assistant Administrator, Bureau for Africa, United States Agency for International Development; Amanda Dory, Deputy Assistant Secretary of Defense for African Affairs, Office of the Secretary of Defense; Christopher Fomunyoh, National Democratic Institute, Corinne Dufka, Human Rights Watch, and Nii Akuetteh, all of Washington, D.C.; and Mohamed Ould Mahmoud, Lobbying Network for Peace, Security, and Development for Northern Mali, Bamako.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 9 public bills, H.R. 6633–6641; and 2 resolutions, H. Res. 825–826, were introduced. **Page H6675**

Additional Cosponsors: **Pages H6675–76**

Report Filed: A report was filed today as follows:

H.R. 4297, to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st Century, with an amendment (H. Rept. 112–699, Pt. 1). **Page H6675**

Speaker: Read a letter from the Speaker wherein he appointed Representative Dold to act as Speaker pro tempore for today. **Page H6625**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Providing for the concurrence by the House in the Senate amendments to H.R. 2838, with an amendment: H. Res. 825, to provide for the concurrence by the House in the Senate amendments to H.R. 2838, with an amendment; **Pages H6626–44**

Expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived: S. Con. Res. 50, to express the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived, by a ⅔ yea-and-nay vote of 397 yeas with none voting ''nay'', Roll No. 617; **Pages H6644–46, H6656–57**

Former Presidents Protection Act of 2012: H.R. 6620, to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents; **Pages H6646–47**

Making revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements: H.R. 6602, to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements, by a ⅔ yea-and-nay vote of 392 yeas with none voting ''nay'', Roll No. 618; **Pages H6647–50, H6657–58**

Eliminating an unnecessary reporting requirement for an unfunded DNA Identification grant program: H.R. 6605, to eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program; **Page H6650**

Amending section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in an executive level security position is to be counted as a period of residence and physical presence in the United States: H.R. 6223, amended, to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in an executive level security position is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization if at least a portion of such period was spent in Iraq or Afghanistan; **Pages H6650–52**

Agreed to amend the title so as to read: ''To amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.''. **Page H6652**

Patent Law Treaties Implementation Act of 2012: S. 3486, to implement the provisions of the Hague Agreement and the Patent Law Treaty; and **Pages H6652–56**

21st Century Language Act of 2012: S. 2367, to strike the word ''lunatic'' from Federal law, by a ⅔ yea-and-nay vote of 398 yeas to 1 nay, Roll No. 619. **Pages H6656, H6658**

Recess: The House recessed at 10:48 a.m. and reconvened at 11:17 a.m. **Page H6656**

Order of Business: Agreed by unanimous consent to withdraw the Capito motion to suspend the rules and pass H.R. 5817. **Page H6656**

Changing the effective date for the Internet publication of certain financial disclosure forms: The House agreed to discharge from committee and pass H.R. 6634, to change the effective date for the Internet publication of certain financial disclosure forms. **Page H6659**

Moment of Silence: The House observed a moment of silence in memory of Jack Brooks, former Member of Congress. **Page H6659**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 11 a.m. on Friday, December 7th, and further, when the House adjourns on that day, it adjourn to meet at 12 noon on Tuesday, December 11th for morning hour debate and 2 p.m. for legislative business. **Page H6662**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H6657, H6657–58, and H6658. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 2:20 p.m.

Committee Meetings

IRANIAN INFLUENCE IN THE SOUTH CAUCASUS AND THE SURROUNDING REGION

Committee on Foreign Affairs: Subcommittee on Europe and Eurasia held a hearing entitled ''Iranian Influence in the South Caucasus and the Surrounding Region''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE

Committee on Natural Resources: Full Committee held a markup of H.R. 6364, the ''Frank Buckles World War I Memorial Act''; H.R. 752, the ''Molalla River Wild and Scenic Rivers Act''; and S. 3193, the ''Barona Band of Mission Indians Land Transfer Clarification Act of 2012''. The following bills were ordered reported, as amended: H.R. 6364 and H.R. 752. The following bill was ordered reported, without amendment: S. 3193.

IMPACT OF INTERNATIONAL TECHNOLOGY TRANSFER ON AMERICAN RESEARCH AND DEVELOPMENT

Committee on Science, Space, and Technology: Subcommittee on Investigations and Oversight held a hearing entitled ''The Impact of International Technology Transfer on American Research and Development''. Testimony was heard from Dennis C. Shea, U.S. China Economic and Security Review Commission; and a public witness.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D974)*

H.R. 2453, to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain. Signed on December 4, 2012. (Public Law 112–201)

H.R. 6118, to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification. Signed on December 4, 2012. (Public Law 112–202)

H.R. 6131, to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006. Signed on December 4, 2012. (Public Law 112–203)

H.R. 6570, to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements. Signed on December 4, 2012. (Public Law 112–204)

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 6, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold an oversight hearing to examine the Federal Housing Administration, focusing on Housing and Urban Development's response to fiscal challenges, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, to hold hearings to examine superstorm Sandy, focusing on the devastating impact on the nation's largest transportation systems, 10:30 a.m., SR–253.

Committee on the Judiciary: business meeting to consider S. 1223, to address voluntary location tracking of electronic communications devices, and the nominations of Katherine Polk Failla, to be United States District Judge for the Southern District of New York, Troy L. Nunley, to be United States District Judge for the Eastern District of California, Sheri Polster Chappell, to be United States District Judge for the Middle District of Florida, Pamela Ki Mai Chen, to be United States District Judge for the Eastern District of New York, Mark A. Barnett, to be a Judge of the United States Court of International Trade, and Louise W. Kelton, to be United States Marshal for the Middle District of Tennessee, and Patrick J. Wilkerson, to be United States Marshal for the Eastern District of Oklahoma, both of the Department of Justice, 10 a.m., SD–226.

House

Committee on Transportation and Infrastructure, Full Committee, hearing entitled ''An Update on the High Speed and Intercity Passenger Rail Program: Mistakes Made and Lessons Learned'', 9:30 a.m., 2167 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the fiscal cliff, focusing on how to protect the middle class, sustain long-term economic growth, and reduce the Federal deficit, 9:30 a.m., SH–216.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 6

Senate Chamber

Program for Thursday: After the transaction of any morning business (with the time from 10 a.m. to 11 a.m. for speeches by retiring Senators, and not to extend beyond 11:45 a.m.), Senate will begin consideration of the nominations of Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida, and Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan. At approximately 12:00 p.m., Senate will continue consideration of H.R. 6156, Russia and Moldova Jackson-Vanik Repeal Act. At approximately 12:10 p.m., Senate will vote on passage of H.R. 6156, Russia and Moldova Jackson-Vanik Repeal Act, and confirmation of the nominations of Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida, and Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Friday, December 7

House Chamber

Program for Friday: The House will meet in pro forma session at 11 a.m.

Extensions of Remarks, as inserted in this issue

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