Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Joyce
Kelly
King (IA)
King (NY)
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
McCarthy (CA)
McCaul
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—197

Amash
Andrews
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Bridenstine
Brooks (AL)
Broun (GA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Fattah
Fleming
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gingrey (GA)
Gohmert
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huelskamp
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kennedy
Kildee
Kilmer
Kind
Kingston
Kirkpatrick
Kuster
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján, Ben Ray (NM)
Maffei
Maloney, Carolyn
Maloney, Sean
Markey
Massie
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McNerney
Meng
Michaud
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Pallone
Pascrell
Pastor (AZ)
Payne
Pearce
Pelosi
Perlmutter
Peters (MI)
Peterson
Pingree (ME)
Pocan
Price (NC)
Quigley
Rahall
Richmond
Rohrabacher
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Yarmuth
Yoho

NOT VOTING—22

Capuano
Coble
Dingell
Farr
Griffith (VA)
Larsen (WA)
Lujan Grisham (NM)
Lynch
McIntyre
Meeks
Miller, George
Peters (CA)
Polis
Rangel
Rooney
Ros-Lehtinen
Sanchez, Loretta
Shea-Porter
Sires
Vargas
Wilson (FL)
Young (AK)

□ 1157

Ms. KUSTER changed her vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PETERS of California. Mr. Speaker, on rollcall No. 60 I was unavoidably detained. Had I been present, I would have voted "no."

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, on rollcall No. 60 I was unavoidably detained. Had I been present, I would have voted "no."

Ms. SHEA-PORTER. Mr. Speaker, on rollcall No. 60, had I been present, I would have voted "no."

□ 1200

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 14, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. POE of Texas). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 14

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

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

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

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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

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

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 30

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

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

The rotunda of the Capitol is authorized to be used on April 17, 2013, for a ceremony to award the Congressional Gold Medal to Professor Muhamad Yunus in recognition of his contributions to the fight against global poverty. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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

GENERAL LEAVE

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

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 99, I call up the bill (H.R. 933) making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 99, the amendment printed in House Report 113–12 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 933

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Defense, Military Construction and Veterans Affairs, and Full-Year Continuing Appropriations Act, 2013''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in division A, B, or C of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

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

SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2013, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I
MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $40,199,263,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,902,346,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,531,549,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,052,826,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,456,823,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,874,023,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $658,251,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,722,425,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,981,577,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,153,990,000.

TITLE II
OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $35,409,260,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $41,614,453,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $6,034,963,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $34,780,406,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $31,862,980,000: *Provided*, That not more than $30,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $36,480,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,563,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,182,923,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,256,347,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $277,377,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,261,324,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,154,161,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,494,326,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,516,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $335,921,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $310,594,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $529,263,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $11,133,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is

in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $287,543,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,759,000, to remain available until September 30, 2014.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $519,111,000, to remain available until September 30, 2015.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $50,198,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $6,028,754,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,535,433,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,857,823,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,641,306,000, to remain available for obligation until September 30, 2015.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,741,664,000, to remain available for obligation until September 30, 2015.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $17,382,152,000, to remain available for obligation until September 30, 2015.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,036,871,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $659,897,000, to remain available for obligation until September 30, 2015.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $565,371,000;

Virginia Class Submarine, $3,217,601,000;

Virginia Class Submarine (AP), $1,652,557,000;

CVN Refuelings, $1,613,392,000;

CVN Refuelings (AP), $70,010,000;

DDG–1000 Program, $669,222,000;

DDG–51 Destroyer, $4,036,628,000;

DDG–51 Destroyer (AP), $466,283,000;

Littoral Combat Ship, $1,784,959,000;

LPD–17 (AP), $263,255,000;

Joint High Speed Vessel, $189,196,000;

Moored Training Ship, $307,300,000;

LCAC Service Life Extension Program, $85,830,000; and

For outfitting, post delivery, conversions, and first destination transportation, $290,035,000.

Completion of Prior Year Shipbuilding Programs, $372,573,000.

In all: $15,584,212,000, to remain available for obligation until September 30, 2017: *Provided*, That additional obligations may be incurred after September 30, 2017, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided

under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,955,078,000, to remain available for obligation until September 30, 2015.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,411,411,000, to remain available for obligation until September 30, 2015.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,774,019,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,962,376,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $594,694,000, to remain available for obligation until September 30, 2015.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,082,508,000, to remain available for obligation until September 30, 2015.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,878,985,000, to remain available for obligation until September 30, 2015.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $223,531,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,676,627,000, to remain available for obligation until September 30, 2014.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $16,963,398,000, to remain available for obligation until September 30, 2014: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $25,432,738,000, to remain available for obligation until September 30, 2014.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,631,946,000, to remain available for obligation until September 30, 2014: *Provided*, That of the funds made available in this paragraph, $250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $223,768,000, to remain available for obligation until September 30, 2014.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

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

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $697,840,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United

States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $32,715,304,000; of which $30,885,165,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2014, and of which up to $15,934,952,000 may be available for contracts entered into under the TRICARE program; of which $521,762,000, to remain available for obligation until September 30, 2015, shall be for procurement; and of which $1,308,377,000, to remain available for obligation until September 30, 2014, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided to develop a joint Department of Defense—Department of Veterans Affairs (DOD–VA) integrated Electronic Health Record, not more than 25 percent may be obligated until the DOD–VA Interagency Program Office submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) defines the budget and cost baseline for development of the integrated Electronic Health Record; (2) identifies the deployment timeline for the system for both agencies; (3) breaks out annual and total spending for each Department; (4) relays detailed cost-sharing business rules; (5) establishes data standardization schedules between the Departments; (6) has been submitted to the Government Accountability Office for review; and (7) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,301,786,000, of which $635,843,000 shall be for operation and maintenance, of which no less than $53,948,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $22,214,000 for activities on military installations and $31,734,000, to remain available until September 30, 2014, to assist State and local governments; $18,592,000 shall be for procurement, to remain available until September 30, 2015, of which $1,823,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $647,351,000, to remain available until September 30, 2014, shall be for research, development, test and evaluation, of which $627,705,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,159,263,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $350,321,000, of which $347,621,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $2,700,000, to remain available until September 30, 2015, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $534,421,000.

TITLE VIII

GENERAL PROVISIONS

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

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

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

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

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2013: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled ''Explanation of Project Level Adjustments'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), the obligation and expenditure of amounts appropriated or otherwise made available in this

Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

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

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2013: *Provided*, That the report shall include—

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

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

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

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

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

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

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

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

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

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

F/A–18E, F/A–18F, and EA–18G aircraft; up to 10 DDG–51 Arleigh Burke class Flight IIA guided missile destroyers, as well as the AEGIS Weapon Systems, MK 41 Vertical Launching Systems, and Commercial Broadband Satellite Systems associated with those vessels; SSN–774 Virginia class submarine and government-furnished equipment; CH–47 Chinook helicopter; and V–22 Osprey aircraft variants.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2013, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2014.

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

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive

this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

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

SEC. 8019. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

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

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than $38,634,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $28,404,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $9,298,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $932,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

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

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

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

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2013 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2013, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*; That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2014 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

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

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2013. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

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

SEC. 8028. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

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

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

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

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8031. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2014 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2014: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2014.

SEC. 8033. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

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

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

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

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

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

(c) This section does not apply to—

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

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

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

SEC. 8038. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8039. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 8040. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

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

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

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

(B) $10,000,000; and

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

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

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

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall

have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

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

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

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

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

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

(RESCISSIONS)

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

''Shipbuilding and Conversion, Navy, 2007/2018'': DDG–51 Destroyer, $98,400,000;

''Shipbuilding and Conversion, Navy, 2007/2018'': DDG–51 Destroyer Advance Procurement, $2,500,000;

''Shipbuilding and Conversion, Navy, 2007/2018'': CVN Refueling Overhaul, $14,100,000;

''Procurement of Ammunition, Army, 2011/2013'', $14,862,000;

''Other Procurement, Army, 2011/2013'', $108,098,000;

''Aircraft Procurement, Navy, 2011/2013'', $43,860,000;

''Shipbuilding and Conversion, Navy, 2011/2015'': DDG–51 Destroyer, $215,300,000;

''Weapons Procurement, Navy, 2011/2013'', $22,000,000;

''Aircraft Procurement, Air Force, 2011/2013'', $93,400,000;

''Other Procurement, Air Force, 2011/2013'', $9,500,000;

''Operation and Maintenance, Defense-Wide, 2012/XXXX'', $21,000,000;

''Aircraft Procurement, Army, 2012/2014'', $47,400,000;

''Other Procurement, Army, 2012/2014'', $179,608,000;

''Aircraft Procurement, Navy, 2012/2014'', $19,040,000;

''Shipbuilding and Conversion, Navy, 2012/2016'': Littoral Combat Ship, $28,800,000;

''Shipbuilding and Conversion, Navy, 2012/2016'': DDG–51 Destroyer, $83,000,000;

''Weapons Procurement, Navy, 2012/2014'', $36,467,000;

''Procurement of Ammunition, Navy and Marine Corps, 2012/2014'', $16,300,000;

''Procurement, Marine Corps, 2012/2014'', $132,555,000;

''Aircraft Procurement, Air Force, 2012/2014'', $394,299,000;

''Missile Procurement, Air Force, 2012/2014'', $52,898,000;

''Other Procurement, Air Force, 2012/2014'', $55,800,000;

''Procurement, Defense-Wide, 2012/2014'', $16,000,000;

''Research, Development, Test and Evaluation, Army, 2012/2013'', $41,000,000;

''Research, Development, Test and Evaluation, Navy, 2012/2013'', $246,800,000;

''Research, Development, Test and Evaluation, Air Force, 2012/2013'', $149,460,000.

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

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

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

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

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

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

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

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

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

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

(b) This section applies to—

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

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

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

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

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

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

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

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged

with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

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

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

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

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

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

SEC. 8055. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

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

SEC. 8057. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

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

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

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

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

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

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

SEC. 8059. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8060. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8061. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8062. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8063. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8064. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8065. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as

may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8066. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8067. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $133,381,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8068. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2013.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, not to exceed $200,000,000 from funds available under ''Operation and Maintenance, Defense-Wide'' may be transferred to the Department of State ''Global Security Contingency Fund'': *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers to the Department of State ''Global Security Contingency Fund'', notify the congressional defense committees in writing with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

SEC. 8070. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $479,736,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $211,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, $149,679,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $39,200,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, $74,692,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $44,365,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8072. (a) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet.

(b) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give United States Transportation Command operational and administrative control of C–130 and KC–135 forces assigned to the Pacific and European Air Force Commands.

(c) The command and control relationships in subsections (a) and (b) which existed on March 13, 2011, shall remain in force unless changes are specifically authorized in a subsequent Act.

(d) This subsection does not apply to administrative control of Navy Air and Missile Defense Command.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $372,573,000 shall be available until September 30, 2013, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading ''Shipbuilding and Conversion, Navy, 2007/2013'': LHA Replacement Program $156,685,000;

(2) Under the heading ''Shipbuilding and Conversion, Navy, 2008/2013'': LPD–17 Amphibious Transport Dock Program $80,888,000; and

(3) Under the heading ''Shipbuilding and Conversion, Navy, 2009/2013'': CVN Refueling Overhauls Program $135,000,000.

SEC. 8074. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2013 until the enactment of the Intelligence Authorization Act for Fiscal Year 2013.

SEC. 8075. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8076. The budget of the President for fiscal year 2014 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8077. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8078. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

SEC. 8079. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8080. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth

Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8081. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8082. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8083. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

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

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8085. Up to $15,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8086. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2014.

SEC. 8087. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8088. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than $10,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

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

SEC. 8089. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2013: *Provided*, That the report shall include—

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8091. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations,

unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8092. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8093. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8094. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom, or any other named operations in the U.S. Central Command area of operation on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8097. (a) Any agency receiving funds made available in this Act, shall, subject to

subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

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

(2) the report contains proprietary information.

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

SEC. 8098. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

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

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8100. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $139,204,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8101. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex.

SEC. 8102. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8103. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8104. Of the amounts appropriated for ''Operation and Maintenance, Defense-Wide'', the following amounts shall be available to the Secretary of Defense, for the following authorized purposes, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam: (1) $13,000,000 for addressing the need for construction of a regional public health laboratory; and (2) $106,400,000 for addressing the need for civilian water and wastewater improvements: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating funds for either of the foregoing purposes, notify the congressional defense committees in writing of the details of any such obligation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8105. There is hereby established in the Treasury of the United States the ''Ship Modernization, Operations and Sustainment Fund''. There is appropriated $2,382,100,000, for the ''Ship Modernization, Operations and Sustainment Fund'', to remain available until September 30, 2014: *Provided*, That the Secretary of the Navy shall transfer funds from the ''Ship Modernization, Operations and Sustainment Fund'' to appropriations for military personnel; operation and maintenance; research, development, test and evaluation; and procurement, only for the purposes of manning, operating, sustaining, equipping and modernizing the Ticonderoga-class guided missile cruisers CG–63, CG–64, CG–65, CG–66, CG–68, CG–69, CG–73, and the Whidbey Island-class dock landing ships LSD–41 and LSD–46: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred: *Provided further*, That the transfer authority provided herein shall be in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Navy shall, not less than 30 days prior to making any transfer from the ''Ship Modernization, Operations and Sustainment Fund'', notify the congressional defense committees in writing of the details of such transfer.

SEC. 8106. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,500 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: *Provided*, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available.

SEC. 8107. Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall resume quarterly reporting of the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance Federal civilian personnel salaries to the congressional defense committees within 15 days after the end of each fiscal quarter.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2013.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. In addition to amounts provided elsewhere in the Act, there is appropriated $270,000,000 for an additional amount for ''Operation and Maintenance, Defense-Wide'', to

be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: *Provided further*, That funds may not be made available for a school unless its enrollment of Department of Defense-connected children is greater than 50 percent.

SEC. 8111. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

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

SEC. 8112. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantánamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantánamo is to be transferred—

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

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

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

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

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

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

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

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

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantánamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantánamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d)(1) The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the subparagraph to be waived have been completely eliminated.

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

(D) The assessment required by subsection (b)(2).

(e) In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

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

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

(B) is—

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

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

(3) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8113. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

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

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

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

(2) is—

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

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

SEC. 8114. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8115. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to,

or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8116. None of the funds made available by this Act may be used in contravention of section 1590 or 1591 of title 18, United States Code, or in contravention of the requirements of section 106(g) or (h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g) or (h)).

SEC. 8117. None of the funds made available by this Act for International Military education and training, foreign military financing, excess defense article, assistance under section 1206 of the National Defense Authorization Act for Fiscal year 2006 (Public Law 109–163; 119 Stat. 3456) issuance for direct commercial sales of military equipment, or peacekeeping operations for the countries of Chad, Yemen, Somalia, Sudan, the Democratic Republic of the Congo, and Burma may be used to support any military training or operation that include child soldiers, as defined by the Child Soldiers Prevention Act of 2008, and except if such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1).

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

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

SEC. 8120. The Secretary of the Air Force shall obligate and expend funds previously appropriated for the procurement of RQ–4B Global Hawk and C–27J Spartan aircraft for the purposes for which such funds were originally appropriated.

SEC. 8121. It is the Sense of the Senate that the next available capital warship of the U.S. Navy be named the USS Ted Stevens to recognize the public service achievements, military service sacrifice, and undaunted heroism and courage of the long-serving United States Senator for Alaska.

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

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

SEC. 8124. None of the funds made available by this Act may be used to enter into a contract for UH–60 Leak Proof Drip Pans using procedures other than competitive procedures (as defined in section 2302(2) of title 10, United States Code).

SEC. 8125. None of the funds appropriated or otherwise made available by this Act or any other Act may be used by the Department of Defense or a component thereof in contravention of section 1244 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1646; 22 U.S.C. 5952 note) or any provision of an Act authorizing appropriations for the Department of Defense for fiscal year 2013 relating to sharing classified ballistic missile defense information with Russia.

SEC. 8126. None of the Operation and Maintenance funds made available in this Act may be used in contravention of section 41106 of title 49, United States Code.

SEC. 8127. None of the funds made available by this Act may be used by the Department of Defense or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. 8128. None of the funds made available by this Act may be used to enter into a contract with any person or other entity listed in the Excluded Parties List System (EPLS)/System for Award Management (SAM) as having been convicted of fraud against the Federal Government.

SEC. 8129. None of the funds made available by this Act for the Department of Defense may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to Rosoboronexport: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $9,790,082,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $774,225,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,425,156,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,286,783,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $156,893,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $39,335,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $24,722,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $25,348,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $583,804,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $10,473,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $28,452,018,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $5,839,934,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $4,116,340,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $9,249,736,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $7,714,079,000: *Provided*, That of the funds provided under this heading, not to exceed $1,650,000,000, to remain available until September 30, 2014, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom, and post-operation Iraq border security related to the activities of the Office of Security Cooperation in Iraq, notwithstanding any other provision of law: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement under this heading to provide notification to the appropriate congressional committees shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount in this section is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $157,887,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $55,924,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $25,477,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $60,618,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $392,448,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $34,500,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided elsewhere in this Act, there is appropriated $582,884,000 for the ''Overseas Contingency Operations Transfer Fund'' for expenses directly relating to overseas contingency operations by United States military forces, to be available until expended: *Provided*, That of the funds made available in this section, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, and working capital fund accounts: *Provided further*, That the funds made available in this paragraph may only be used for programs, projects, or activities categorized as Overseas Contingency Operations in the fiscal year 2013 budget request for the Department of Defense and the justification material and other documentation supporting such request: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Infrastructure Fund'', $325,000,000, to remain available until September 30, 2014: *Provided*, That such funds shall be available to the Secretary of Defense for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, which may require funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded under this heading shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $5,124,167,000, to remain available until September 30, 2014: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization

may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $550,700,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $67,951,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $15,422,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $338,493,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,740,157,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $215,698,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $22,500,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $283,059,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $98,882,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $822,054,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $305,600,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $34,350,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $116,203,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,680,270,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $188,099,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $1,500,000,000, to remain available for obligation until September 30, 2015: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $29,660,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $52,519,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $53,150,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $112,387,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $243,600,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $993,898,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $469,025,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $1,622,614,000, to remain available until September 30, 2015: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $10,766,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2013.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $3,500,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2013.

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

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

SEC. 9005. Not to exceed $200,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 9009. None of the funds provided for the ''Afghanistan Security Forces Fund'' (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: *Provided further*, That the AROC must approve all projects and the execution plan under the ''Afghanistan Infrastructure Fund'' (AIF) and any project in excess of $5,000,000 from the Commanders Emergency Response Program (CERP): *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.

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

SEC. 9011. Notwithstanding any other provision of law, up to $93,000,000 of funds made available in this title under the heading ''Operation and Maintenance, Army'' may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: *Provided*, That not less than 15 days before making funds available pursuant to the authority provided in

this section for any project with a total anticipated cost of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.

SEC. 9012. From funds made available to the Department of Defense in this title under the heading ''Operation and Maintenance, Air Force'' up to $508,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2013, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include non-operational training activities in support of Iraqi Ministry of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions: *Provided further*, That not later than 30 days following the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training activities that they determine are needed after the end of fiscal year 2013, to existing or new contracts for the sale of defense articles or defense services consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary of Defense shall submit to the congressional defense committees a written notification containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation in Iraq at each site where such operations and activities will be conducted during fiscal year 2013.

(RESCISSIONS)

SEC. 9013. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

''Retroactive Stop Loss Special Pay Program, 2009/XXXX'', $127,200,000;

''Afghanistan Security Forces Fund, 2012/2013'', $1,000,000,000;

''Other Procurement, Army, 2012/2014'', $207,600,000;

''Procurement of Ammunition, Navy and Marine Corps, 2012/2014'', $32,176,000;

''Procurement, Marine Corps, 2012/2014'', $2,776,000;

''Mine Resistant Ambush Protected Vehicle Fund, 2012/2013'', $400,000,000;

''Research, Development, Test and Evaluation, Air Force, 2012/2013'', $50,000,000;

''Joint Improvised Explosive Device Defeat Fund, 2012/2014'', $40,300,000.

SEC. 9014. (a) None of the funds appropriated or otherwise made available by this Act under the heading ''Operation and Maintenance, Defense-Wide'' for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the Committees on Appropriations that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(6) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in paragraph (a) on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises the authority of the previous proviso, the Secretaries shall report to the Committees on Appropriations on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

This division may be cited as the ''Department of Defense Appropriations Act, 2013''.

DIVISION B—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,684,323,000, to remain available until September 30, 2017: *Provided*, That of this amount, not to exceed $80,173,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,549,164,000, to remain available until September 30, 2017: *Provided*, That of this amount, not to exceed $102,619,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $322,543,000, to remain available until September 30, 2017: *Provided*, That of this amount, not to exceed $18,635,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,582,423,000, to remain available until September 30, 2017: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $315,562,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount appropriated, notwithstanding any other provision of law, $26,969,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $613,799,000, to remain available until September 30, 2017: *Provided*, That of the amount

appropriated, not to exceed $26,622,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

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

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $305,846,000, to remain available until September 30, 2017: *Provided*, That of the amount appropriated, not to exceed $15,951,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

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

MILITARY CONSTRUCTION, AIR FORCE RESERVE

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

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

FAMILY HOUSING CONSTRUCTION, ARMY

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

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

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

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $102,182,000, to remain available until September 30, 2017.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

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

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $83,824,000, to remain available until September 30, 2017.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

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

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $1,786,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

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

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $409,396,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $126,697,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

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

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

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

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

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

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

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

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

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

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

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

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

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 121. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 122. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 123. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 124. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 125. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,500 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: *Provided*, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available.

SEC. 126. None of the funds made available by this Act may be used for any action that relates to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 127. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

SEC. 128. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, and responsibilities for Army stationing actions.

SEC. 129. Notwithstanding any other provision of law, none of the funds made available to the Department of Defense for military construction in this or any other Act, may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

(INCLUDING RESCISSION OF FUNDS)

SEC. 130. Of the unobligated balances available for ''Military Construction, Defense-Wide'', from prior appropriations Acts, $20,000,000 are hereby cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by Congress as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(INCLUDING RESCISSION OF FUNDS)

SEC. 131. Of the unobligated balances available for ''Department of Defense Base Closure Account 2005'', from prior appropriations Acts, $132,513,000 are hereby cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by Congress as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 132. Of the proceeds credited to the Department of Defense Family Housing Improvement Fund pursuant to subsection (c)(1)(C) of section 2883 of title 10, United States Code, from a Department of Navy land conveyance, the Secretary of Defense shall transfer $10,500,000 to the Secretary of the Navy under paragraph (3) of subsection (d) of such section for use by the Secretary of the Navy as provided in paragraph (1) of such subsection until expended.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $60,599,855,000, to remain available until expended: *Provided*, That not to exceed $9,204,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses, Veterans Benefits Administration'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, and for the payment of benefits under the Veterans Retraining Assistance Program, $12,023,458,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $104,600,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2013, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $157,814,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $19,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,729,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $346,000, which may be paid to the appropriation for ''General operating expenses, Veterans Benefits Administration''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,089,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), and hospital care and medical services authorized by section 1787 of title 38, United States Code; $155,000,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2012; and in addition, $43,557,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014: *Provided*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That notwithstanding any other provision of law,

the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $6,033,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $4,872,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $582,674,000, plus reimbursements, shall remain available until September 30, 2014.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $258,284,000, of which not to exceed $25,828,000 shall remain available until September 30, 2014: *Provided*, That none of the funds under this heading may be used to expand the Urban Initiative project beyond those sites outlined in the fiscal year 2012 or previous budget submissions or any other rural strategy, other than the Rural Initiative included in the fiscal year 2013 budget submission, until the Secretary of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a strategy to serve the burial needs of veterans residing in rural and highly rural areas and that strategy has been approved by the Committees: *Provided further*, That the strategy shall include: (1) A review of previous policies of the National Cemetery Administration regarding establishment of new national cemeteries, including whether the guidelines of the Administration for establishing national cemetery annexes remain valid; (2) Data identifying the number of and geographic areas where rural veterans are not currently served by national or existing State cemeteries and identification of areas with the largest unserved populations, broken down by veterans residing in urban versus rural and highly rural; (3) Identification of the number of veterans who reside within the 75-mile radius of a cemetery that is limited to cremations or of a State cemetery which has residency restrictions, as well as an examination of how many communities that fall under a 75-mile radius have an actual driving distance greater than 75 miles; (4) Reassessment of the gaps in service, factoring in the above conditions that limit rural and highly rural veteran burial options; (5) An assessment of the adequacy of the policy of the Administration on establishing new cemeteries proposed in the fiscal year 2013 budget request; (6) Recommendations for an appropriate policy on new national cemeteries to serve rural or highly rural areas; (7) Development of a national map showing the locations and number of all unserved veterans; and (8) A time line for the implementation of such strategy and cost estimates for using the strategy to establish new burial sites in at least five rural or highly rural locations: *Provided further*, That the Comptroller General of the United States shall review the strategy to ensure that it includes the elements listed above: *Provided further*, That this strategy shall be submitted no later than 180 days after the date of enactment of this Act: *Provided further*, That the Secretary of Veterans Affairs shall issue guidelines on committal services held at cemeteries under the jurisdiction of the National Cemetery Administration to ensure that: (1) veterans' families may arrange to hold committal services with any religious or secular content they desire; (2) the choice by a family of an honor guard and the content and presentation of military honors may not be interfered with; and (3) attendance at committal services by outside organizations dedicated to the support of veterans will not be constrained except at the request of family members: *Provided further*, That the Department shall not edit, control, or exercise prior restraints on the content of religious speech and expression by speakers at events at veterans national cemeteries except as provided in section 2413 of title 38, United States Code: *Provided further*, That actions permitted by the foregoing provisos shall be subject to compliance with Department security, safety, and law enforcement regulations.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $424,737,000, of which not to exceed $20,837,000 shall remain available until September 30, 2014: *Provided*, That the Board of Veterans Appeals shall be funded at not less than $86,006,000: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Veterans Affairs to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7)): *Provided further*, That funds provided under this heading may be transferred to ''General operating expenses, Veterans Benefits Administration''.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,164,074,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That of the funds made available under this heading, not to exceed $113,000,000 shall remain available until September 30, 2014.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,327,444,000, plus reimbursements: *Provided*, That $1,021,000,000 shall be for pay and associated costs, of which not to exceed $30,630,000 shall remain available until September 30, 2014: *Provided further*, That $1,812,045,000 shall be for operations and maintenance, of which not to exceed $126,000,000 shall remain available until September 30, 2014: *Provided further*, That $494,399,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2014: *Provided further*, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three sub-accounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That amounts made available for the ''Information technology systems'' account for development, modernization, and enhancement may be transferred between projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed:

Provided further, That of the funds provided for information technology systems development, modernization, and enhancement for the development of a joint Department of Defense—Department of Veterans Affairs (DOD–VA) integrated electronic health record (iEHR), not more than 25 percent may be obligated until the DOD–VA Interagency Program Office submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) defines the budget and cost baseline for development of the integrated Electronic Health Record; (2) identifies the deployment timeline for the system for both Agencies; (3) breaks out annual and total spending for each Department; (4) relays detailed cost-sharing business rules; (5) establishes data standardization schedules between the Departments; (6) has been submitted to the Government Accountability Office for review; and (7) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $115,000,000, of which $6,000,000 shall remain available until September 30, 2014.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $532,470,000, of which $502,470,000 shall remain available until September 30, 2017, and of which $30,000,000 shall remain available until expended: *Provided*, That $5,000,000 shall be to make reimbursements as provided in section 7108 of title 41, United States Code, for claims paid for contract disputes: *Provided further*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds made available under this heading for fiscal year 2013, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2013; and (2) by the awarding of a construction contract by September 30, 2014: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $607,530,000, to remain available until September 30, 2017, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

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

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal governments in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2013 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2013, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'' accounts may be transferred among the accounts: *Provided*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the ''Medical facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

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

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

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

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2013, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the

''General operating expenses, Veterans Benefits Administration'' and ''Information technology systems'' accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2013 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2013 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed $42,904,000 for the Office of Resolution Management and $3,360,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the ''General administration'' and ''Information technology systems'' accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses, Veterans Benefits Administration'', ''General administration'', and ''National Cemetery Administration'' accounts for fiscal year 2013, may be transferred to or from the ''Information technology systems'' account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 222. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2013, in this Act or any other Act, under the ''Medical facilities'' account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: *Provided*, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2013 for ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''Construction, minor projects'', and ''Information technology systems'', up to $247,356,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Of the amounts available in this title for ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'', a minimum of $15,000,000, shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 226. (a) Of the funds appropriated in title II of division H of Public Law 112–74, the following amounts which became available

on October 1, 2012, are hereby rescinded from the following accounts in the amounts specified:

(1) ''Department of Veterans Affairs, Medical services'', $1,500,000,000.

(2) ''Department of Veterans Affairs, Medical support and compliance'', $200,000,000.

(3) ''Department of Veterans Affairs, Medical facilities'', $250,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2014:

(1) ''Department of Veterans Affairs, Medical services'', $1,500,000,000.

(2) ''Department of Veterans Affairs, Medical support and compliance'', $200,000,000.

(3) ''Department of Veterans Affairs, Medical facilities'', $250,000,000.

SEC. 227. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

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

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

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

SEC. 231. None of the funds made available in this Act may be used to enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

SEC. 232. Funds made available under the heading ''Medical services'' in title II of division H of Public Law 112–74 may be used to carry out section 1787 of title 38, United States Code.

TITLE III
RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $62,929,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $32,481,000: *Provided*, That $2,726,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL
CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $1,000 for official reception and representation expenses, $65,800,000, of which not to exceed $27,000,000 shall remain available until September 30, 2015. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the ''Lease of Department of Defense Real Property for Defense Agencies'' account.

CONSTRUCTION

For necessary expenses for planning and design and construction at Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, $103,000,000, to remain available until September 30, 2017, of which, $84,000,000 shall be for planning and design and construction associated with the Millennium Project at Arlington National Cemetery; and $19,000,000 shall be for study, planning, design, and architect and engineer services for future expansion of burial space at Arlington National Cemetery.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $67,590,000, of which $2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

ADMINISTRATIVE PROVISION

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

TITLE IV
OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

ADMINISTRATIVE PROVISION

(INCLUDING RESCISSION OF FUNDS)

SEC. 401. Of the unobligated balances in section 2005 in title X, of Public Law 112–10 and division H in title IV of Public Law 112–74, $150,768,000 are hereby rescinded: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V
GENERAL PROVISIONS

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

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 504. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 505. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 507. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 508. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

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

(2) the report contains confidential or proprietary information.

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

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

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

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

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

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

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

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

(2) is—

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

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

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

SEC. 513. None of the funds provided in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 514. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

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

SEC. 516. Such sums as may be necessary for fiscal year 2013 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 517. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency that are stationed within the United States at any single conference occurring outside a state of the United States, except for employees of the Department of Veterans Affairs stationed in the Philippines, unless the relevant Secretary reports to the Committees on Appropriations of both Houses of Congress at least 5 days in advance that such attendance is important to the national interest.

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

DIVISION C—FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2013

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

TITLE I—GENERAL PROVISIONS

SEC. 1101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2012, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

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

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (division B of Public Law 112–55), except for the appropriation designated by the Congress as being for disaster relief in the second paragraph under the heading ''Department of Commerce, Economic Development Administration, Economic Development Assistance Programs'' in such Act.

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2012 (division B of Public Law 112–74).

(4) The Financial Services and General Government Appropriations Act, 2012 (division C of Public Law 112–74).

(5) The Department of Homeland Security Appropriations Act, 2012 (division D of Public Law 112–74).

(6) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (division E of Public Law 112–74).

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

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

(9) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74).

(10) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012 (division C of Public Law 112–55), except for the appropriations designated by the Congress as being for disaster relief under the heading ''Department of Transportation, Federal Highway Administration, Emergency Relief'' and in the last proviso of section 239 of such Act.

(11) The Disaster Relief Appropriations Act, 2012 (Public Law 112–77), except for appropriations under the heading ''Corps of Engineers—Civil''.

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

(c) The level referred to in subsection (a) shall be the amounts appropriated in the appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that such level shall be calculated without regard to any rescission or cancellation of funds or contract authority, other than—

(1) the 0.16 percent across-the-board rescission in section 436 of division E of Public Law 112–74 (relating to the Department of the Interior, Environment, and Related Agencies); and

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

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

SEC. 1103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2012, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

SEC. 1104. No appropriation or funds made available or authority granted pursuant to section 1101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2012.

SEC. 1105. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 1101 shall continue in effect through the date specified in section 1106.

SEC. 1106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2013.

SEC. 1107. Expenditures made pursuant to the Continuing Appropriations Resolution, 2013 (Public Law 112–175) shall be charged to the applicable appropriation, fund, or authorization provided by this division.

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

SEC. 1109. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2012, and for activities under the Food and Nutrition Act of 2008, the levels established by section 1101 shall be the amounts necessary to maintain program levels under current law and under the authority and conditions provided in the applicable appropriations Acts for fiscal year 2012.

(b) In addition to the amounts otherwise provided by section 1101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2014:

(1) ''Department of Labor, Office of Workers' Compensation Programs, Special Benefits for Disabled Coal Miners'', for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, $40,000,000, to remain available until expended.

(2) ''Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid'', for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, $106,335,631,000, to remain available until expended.

(3) ''Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs'', for payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $1,100,000,000, to remain available until expended.

(4) ''Department of Health and Human Services, Administration for Children and Families, Payments for Foster Care and Permanency'', for payments to States or other non-Federal entities under title IV-E of the Social Security Act, $2,200,000,000.

(5) ''Social Security Administration, Supplemental Security Income Program'', for benefit payments under title XVI of the Social Security Act, $19,300,000,000, to remain available until expended.

SEC. 1110. (a) Each amount made available in this division by reference to an appropriation that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) Of the amount made available by section 1101 for ''Social Security Administration, Limitation on Administrative Expenses'', $483,484,000 is additional new budget authority specified for purposes of subsection 251(b)(2)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1111. With respect to any discretionary account for which advance appropriations were provided for fiscal year 2013 or 2014 in an appropriations Act for fiscal year 2012, in addition to amounts otherwise made available by this division, advance appropriations are provided in the same amount for fiscal year 2014 or 2015, respectively, with a comparable period of availability.

SEC. 1112. (a) Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242), as added by section 1(a)(2) of the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322; 5 U.S.C. 5303 note), is amended—

(1) in subsection (b)(1), by striking the matter after ''ending on'' and before ''shall be made'' and inserting ''December 31, 2013,''; and

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

(b) Section 114 of the Continuing Appropriations Resolution, 2013 (Public Law 112–175; 5 U.S.C. 5303 note) is repealed.

SEC. 1113. (a) Not later than 30 days after the date of the enactment of this division, each department and agency in subsection (c) shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending, expenditure, or operating plan for fiscal year 2013—

(1) at the program, project, or activity level (or, for foreign assistance programs funded in titles III, IV and VIII of the Department of State, Foreign Operations, and Related Programs Appropriations Act, at the country, regional, and central program level, and for any international organization); or

(2) as applicable, at any greater level of detail required for funds covered by such a plan in an appropriations Act referred to in section 1101, in the joint explanatory statement accompanying such Act, or in committee report language incorporated by reference in such joint explanatory statement.

(b) If a sequestration is ordered by the President under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985, the spending, expenditure, or operating plan required by this section shall reflect such sequestration.

(c) The departments and agencies to which this section applies are as follows:

(1) The Department of Agriculture.

(2) The Department of Commerce.

(3) The Department of Education.

(4) The Department of Energy.

(5) The Department of Health and Human Services.

(6) The Department of Homeland Security.

(7) The Department of Housing and Urban Development.

(8) The Department of the Interior.

(9) The Department of Justice.

(10) The Department of Labor.

(11) The Department of State and United States Agency for International Development.

(12) The Department of Transportation.

(13) The Department of the Treasury.

(14) The National Aeronautics and Space Administration.

(15) The National Science Foundation.

(16) The Judiciary.

(17) With respect to amounts made available under the heading ''Executive Office of the President and Funds Appropriated to the President'', agencies funded under such heading.

(18) The Federal Communications Commission.

(19) The General Services Administration.

(20) The Office of Personnel Management.

(21) The National Archives and Records Administration.

(22) The Securities and Exchange Commission.

(23) The Small Business Administration.

(24) The Environmental Protection Agency.

(25) The Indian Health Service.

(26) The Smithsonian Institution.

(27) The Social Security Administration.

(28) The Corporation for National and Community Service.

(29) The Corporation for Public Broadcasting.

(30) The Food and Drug Administration.

(31) The Commodity Futures Trading Commission.

SEC. 1114. Not later than May 1, 2013, and each month thereafter through November 1, 2013, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report on all obligations incurred in fiscal year 2013, by each department and agency, using funds made available by this division. Such report shall—

(1) set forth obligations by account; and

(2) compare the obligations incurred in the period covered by the report to the obligations incurred in the same period in fiscal year 2012.

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

SEC. 1201. Notwithstanding section 1101, the level for ''Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program'', shall be $253,952,000, of which $186,935,000 shall be for the Commodity Supplemental Food Program.

SEC. 1202. Notwithstanding section 1101, the amounts included under the heading ''Agricultural Programs, Farm Service Agency, Agricultural Credit Insurance Fund Program Account'' in division A of Public Law 112–55 shall be applied to funds appropriated by this division as follows: by substituting ''$2,000,000,000'' for ''$1,500,000,000'' the first place it appears; by substituting ''$1,258,887,000'' for ''$1,050,090,000''; and by substituting ''$70,120,000'' for ''$59,120,000''.

SEC. 1203. Notwithstanding section 1101, the Secretary of Agriculture may transfer funds among the loan and loan guarantee programs within the Rural Development mission area to maintain the 2012 program levels, to the extent possible, for such programs and activities during fiscal year 2013.

SEC. 1204. Notwithstanding section 1101, amounts otherwise provided by section 1101 for ''Department of Health and Human Services, Food and Drug Administration, Salaries and Expenses'' for medical device user fees shall be increased by the amounts by which the authorized levels of such fees for fiscal year 2013 exceed the authorized levels of such fees for fiscal year 2012: *Provided*, That amounts collected for fees specified in this section for fiscal year 2013 that exceed applicable fiscal year 2013 limitations for such fees are appropriated and shall be credited to such account and remain available until expended.

SEC. 1205. Notwithstanding section 1101, fees authorized for fiscal year 2013 pursuant to section 744B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42) shall be credited to ''Department of Health and Human Services, Food and Drug Administration, Salaries and Expenses'' and remain available until expended.

SEC. 1206. Sections 744 and 748 of division A of Public Law 112–55 shall not apply to funds appropriated by this division.

SEC. 1207. Of the funds made available for ''Rural Development Programs, Rural Business—Cooperative Service, Rural Economic Development Loans Program Account'', of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c), $180,000,000 shall not be obligated and $180,000,000 is rescinded.

SEC. 1208. (a) Notwithstanding section 1101, the first and second provisos of section 726(15) of division A of Public Law 112–55 shall be applied to funds appropriated by this division as if '', in this fiscal year,'' appeared before ''section 19(i)(1)(E)'' the first place it appears, by substituting ''$39,000,000'' for ''$20,000,000'', and by substituting ''$117,000,000'' for ''$133,000,000''.

(b) Of the unobligated balances available under section 14222(b)(2)(A)(v) of Public Law 110–246 (7 U.S.C. 612c–6(b)(2)(A)(v)), $150,000,000 is rescinded.

SEC. 1209. In addition to amounts provided elsewhere in this division, $48,256,765 is appropriated for activities under section 403 of

the Agricultural Credit Act of 1978 (Emergency Watershed Protection Program; 16 U.S.C. 2203) for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That the Secretary of Agriculture shall transfer these funds to the Natural Resources Conservation Service.

SEC. 1210. Section 1109(a) of this division shall not be construed to change the requirement that $3,000,000,000, to remain available until September 30, 2014, be placed in reserve for ''Domestic Food Programs, Food and Nutrition Service, Supplemental Nutrition Assistance Program''.

SEC. 1211. Notwithstanding section 1101, the level for ''Agricultural Programs, National Agricultural Statistics Service'' shall be $179,477,000, of which up to $62,500,000 shall be available until expended for the Census of Agriculture.

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

SEC. 1301. Notwithstanding section 1101, the level for ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be $1,951,036,000, of which $802,000,000 shall be for the Geostationary Operational Environmental Satellite–R system.

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

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

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

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

SEC. 1306. Notwithstanding section 1101, the level for ''Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance'' shall be $1,062,500,000: *Provided*, That the amounts included under such heading in division B of Public Law 112–55 shall be applied to funds appropriated by this division as follows: by substituting ''$370,000,000'' for ''$470,000,000''; and by substituting ''$0'' for ''$100,000,000''.

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

SEC. 1308. Of the unobligated balances available for ''Department of Justice, Federal Prison System, Buildings and Facilities'', $64,700,000 is rescinded, to be derived from amounts for the ''Acquire Existing Institution for Higher Security FCI'' project.

SEC. 1309. Section 505 of division B of Public Law 112–55 shall be applied to funds appropriated by this division by substituting ''45'' for ''15''.

SEC. 1310. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2013.

(b) Not to exceed $30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2013, and any use, obligation, transfer, or allocation of such funds shall be treated as a reprogramming of funds under section 505 of division B of Public Law 112–55.

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

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

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

(f) Subsections (a) through (d) of this section shall sunset on September 30, 2013.

SEC. 1311. Notwithstanding section 1101, the level for ''National Aeronautics and Space Administration, Exploration'' shall be $4,152,000,000: *Provided*, That the amounts included under such heading in division B of Public Law 112–55 shall be applied to funds appropriated by this division as follows: by substituting ''$2,119,000,000'' for ''$1,860,000,000''; by substituting ''$525,000,000'' for ''$406,000,000''; by substituting ''$308,000,000'' for ''$304,800,000''; by substituting ''$454,000,000'' for ''$316,500,000''; and by substituting ''$265,000,000'' for ''$58,000,000''.

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

TITLE IV—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

SEC. 1401. (a) Notwithstanding section 1101, the level for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities'' shall be $7,577,341,000.

(b) Section 301(c) of division B of Public Law 112–74 shall not apply to amounts made available by this section.

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

SEC. 1403. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this division by substituting the date specified in section 1106 of this division for ''October 1, 2012''.

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

SEC. 1501. (a) Notwithstanding any other provision of this division, except section 1106, the District of Columbia may expend local funds under the heading ''District of Columbia Funds'' for such programs and activities under title IV of H.R. 6020 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under ''District of Columbia Funds—Summary of Expenses'' as included in the Fiscal Year 2013 Budget Request Act of 2012 (D.C. Act 19–381), as modified as of the date of the enactment of this division.

(b) Section 803(b) of the Financial Services and General Government Appropriations Act, 2012 (division C of Public Law 112–74; 125 Stat. 940) is amended by striking ''November 1, 2012'' and inserting ''November 1, 2013''.

SEC. 1502. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment for Emergency Planning and Security Costs in the District of Columbia'' shall be $24,700,000, of which not less than $9,800,000 shall be used for costs associated with the Presidential Inauguration.

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

SEC. 1504. Notwithstanding any other provision of this division, amounts made available by section 1101 for ''Department of the Treasury, Departmental Offices, Salaries and Expenses'' and ''Department of the Treasury, Office of Inspector General, Salaries and Expenses'' may be used for activities in connection with section 1602(e) of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (subtitle F of title I of division A of Public Law 112–141).

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

SEC. 1506. Notwithstanding section 1101, the level for ''Small Business Administration, Business Loans Program Account'' for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act and section 503 of the Small Business Investment Act of 1958 shall be $333,600,000.

SEC. 1507. Of the unobligated balances available for ''Department of the Treasury, Treasury Forfeiture Fund'', $950,000,000 is rescinded.

TITLE VI—HOMELAND SECURITY

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

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

SEC. 1602. (a) Amounts made available by this division for ''Department of Homeland Security, U.S. Immigration and Customs Enforcement, Salaries and Expenses'' shall be obligated as necessary to maintain a level not less than 34,000 detention beds as required in the sixth proviso under such heading in division D of Public Law 112–74.

(b) Not later than 30 days after the date of the enactment of this division, the Assistant

Secretary of U.S. Immigration and Customs Enforcement shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for ''Department of Homeland Security, U.S. Immigration and Customs Enforcement, Salaries and Expenses'' at the program, project, and activity level that specifies how the Assistant Secretary will maintain detention bed levels as required under subsection (a) throughout fiscal year 2013.

SEC. 1603. Notwithstanding section 1101, the levels for the following accounts of the Department of Homeland Security shall be as follows:

(1) ''Office of the Secretary and Executive Management'', $126,074,000.

(2) ''Analysis and Operations'', $322,280,000.

(3) ''U.S. Customs and Border Protection, Salaries and Expenses'', $9,024,610,000.

(4) ''U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology'', $324,099,000.

(5) ''U.S. Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $515,436,000.

(6) ''Transportation Security Administration, Transportation Security Support'', $954,277,000.

(7) ''Transportation Security Administration, Federal Air Marshals'', $910,563,000.

(8) ''United States Secret Service, Salaries and Expenses'', $1,601,454,000.

(9) ''National Protection and Programs Directorate, United States Visitor and Immigrant Status Indicator Technology'', $279,133,000.

(10) ''Office of Health Affairs'', $132,499,000 of which $85,390,000 shall be for BioWatch and $26,702,000 is for salaries and expenses.

(11) ''Federal Emergency Management Agency, Salaries and Expenses'', $837,090,000, of which $35,180,000 shall be for the National Urban Search and Rescue Response System, not to exceed $22,000,000 shall be for capital improvements at the Mount Weather Emergency Operations Center, and not less than $5,000,000 shall be for expenses related to modernization of automated systems.

(12) ''United States Citizenship and Immigration Services'', $111,924,000 for the E-Verify Program.

SEC. 1604. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Aviation Security'' shall be $5,048,008,000: *Provided*, That the amounts included under such heading in division D of Public Law 112–74 shall be applied to funds appropriated by this division by substituting ''$3,972,020,000'' for ''$4,167,631,000''; by substituting ''$408,930,000'' for ''$543,103,000''; by substituting ''$115,204,000'' for ''$204,768,000''; by substituting ''$1,075,988,000'' for ''$1,086,325,000''; by substituting ''9 percent'' for ''10 percent''; and by substituting ''$2,978,008,000'' for ''$3,223,956,000''.

SEC. 1605. Notwithstanding section 1101, the level for ''Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements'' shall be $1,468,393,000, of which $1,005,800,000 shall be for vessels, small boats, and related equipment, including 6 Fast Response Cutters, 1 National Security Cutter, 5 Response Boat-Mediums, and initial development of an icebreaker; and $190,500,000 shall be for aircraft including 1 missionized HC-130J aircraft, 1 missionized HC-144 aircraft, and one H-60 helicopter, $64,000,000 shall be for other acquisition programs, $94,411,000 shall be for shore, military housing, and aids to navigation, and $113,682,000 shall be for personnel compensation and benefits and other costs: *Provided*, That funds under this heading for vessels shall be immediately available and allotted to contract for the production of the sixth National Security Cutter notwithstanding the availability of funds for post-production costs: *Provided further*, That the Coast Guard may decommission one High Endurance Cutter, retire 3 HU-24 aircraft, disestablish the Patrol Boat High-Tempo-Maintenance Operations, and disestablish the Vintage Vessel National Center of Expertise.

SEC. 1606. The following amounts are rescinded:

(1) Of the funds made available for ''Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements'' in division D of Public Law 110–329, $25,000,000, to be derived from the amounts made available under such heading for the fourth National Security Cutter.

(2) Of the funds made available for ''Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements'' in Public Law 112–10, $43,500,000, to be derived from the amounts made available under such heading for the fifth National Security Cutter.

SEC. 1607. (a) Notwithstanding section 1101, the level for ''Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security'' shall be $1,138,528,000: *Provided*, That of such amount, $328,000,000 shall be for Network Security Deployment, and $218,000,000 shall be for Federal Network Security to establish and sustain essential cybersecurity activities, including procurement and operations of continuous monitoring and diagnostics systems and intrusion detection systems for civilian Federal computer networks: *Provided further*, That of the aggregate amount made available in the preceding proviso for Network Security Deployment and Federal Network Security, $213,000,000 shall remain available until September 30, 2014.

(b) Not later than 15 days after the date of the enactment of this division, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the House of Representatives and the Senate an updated expenditure plan for essential cybersecurity activities described in subsection (a).

SEC. 1608. Section 532(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) is amended by striking ''2012'' and inserting ''2013''.

SEC. 1609. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking ''on October 4, 2012'' and inserting ''on October 4, 2013''.

SEC. 1610. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2012,'' and inserting ''Until September 30, 2013,''; and

(2) in subsection (c)(1), by striking ''September 30, 2012,'' and inserting ''September 30, 2013,''.

SEC. 1611. (a) The third, fourth, and fifth provisos under the heading ''Department of Homeland Security, Office of the Secretary and Executive Management'' in division D of Public Law 112–74 shall not apply to funds appropriated by this division.

(b) The second, third, and fourth provisos under the heading ''Department of Homeland Security, National Protection and Programs Directorate, Management and Administration'' in division D of Public Law 112–74 shall not apply to funds appropriated by this division.

TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

SEC. 1701. The contract authority provided for fiscal year 2013 by 16 U.S.C. 4601–10a is rescinded.

SEC. 1702. Notwithstanding section 1101, the level for ''Department of the Interior, Department-wide Programs, Wildland Fire Management'' shall be $823,473,000: *Provided*, That of the amounts made available by section 140(b) of Public Law 112–175 (126 Stat. 1321), $7,500,000 is rescinded.

SEC. 1703. Section 10101(a) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(a)), as amended by section 430 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (division E of Public Law 112–74; 125 Stat 1047), is further amended—

(1) in paragraph (1) in the first sentence, by striking ''on'' the first place it appears and inserting ''before, on,''; and

(2) in paragraph (2)—

(A) by striking ''located'' the second place it appears;

(B) by inserting at the end of the following: ''Such claim maintenance fee shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28 to 28e) and the related filing requirements contained in section 314(a) and (c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a) and (c)).''; and

(C) by striking ''(a)'' in the first sentence and inserting ''(a)(1)''.

SEC. 1704. (a) Of the unobligated balances available under the following headings from prior appropriation Acts, the following amounts are rescinded:

(1) ''Hazardous Substance Superfund'', $15,000,000.

(2) ''State and Tribal Assistance Grants'', $35,000,000, as follows:

(A) $10,000,000 from unobligated Brownfields balances.

(B) $5,000,000 from unobligated categorical grant balances.

(C) $10,000,000 from unobligated Drinking Water State Revolving Funds balances.

(D) $10,000,000 from unobligated Clean Water State Revolving Funds balances.

(b) No amounts may be rescinded under subsection (a) from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1705. Notwithstanding subsection (d)(2) of section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8), the Administrator of the Environmental Protection Agency may assess pesticide registration service fees under such section for fiscal year 2013.

SEC. 1706. Notwithstanding section 1101, the level for ''Department of Agriculture, Forest Service, Wildland Fire Management'' shall be $2,444,390,000. In addition to such amount, there is appropriated $40,000,000 for an additional amount for fiscal year 2013 for such account, to remain available until expended, for repayment to other appropriations accounts from which funds were transferred in fiscal year 2012 for wildfire suppression.

SEC. 1707. The authority provided by section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (enacted by reference in section 1000(a)(3) of Public Law 106–113; 16 U.S.C. 497 note) shall continue in effect through the date specified in section 1106 of this division.

SEC. 1708. Notwithstanding section 1101, the level for ''Presidio Trust, Presidio Trust Fund'' and ''Dwight D. Eisenhower Memorial Commission, Capital Construction'' shall be $0.

SEC. 1709. Notwithstanding section 1101, section 408 of division E of Public Law 112–74 (125 Stat. 1038) shall be applied to funds appropriated by this division by substituting ''112–10, and 112–74'' for ''112–10'' and by substituting ''2012'' for ''2011''.

TITLE VIII—LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

SEC. 1801. Of the funds made available to the ''Department of Labor, Employment and Training Administration'' from any previous appropriations acts that remain unobligated as of the date of enactment of this division, up to $40,000,000 may be transferred to ''Employment and Training Administration, Office of Job Corps'' for Job Corps operations for program years 2012 and 2013 and shall be in addition to any other amounts available to the Office of Job Corps for such purposes: *Provided*, That not less than $15,000,000 shall be transferred within 30 days of enactment of this division to support Job Corps operations for the program year ending June 30, 2013: *Provided further*, That, not later than 15 days after any transfer has been made under the authority of this section, the Secretary of Labor shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate that details the source of the transferred funds and the specific programs, projects, or activities for which such funds will be used, and provides a detailed explanation of the need for such transfer.

SEC. 1802. Notwithstanding section 1101, the level for ''Department of Labor, Veterans Employment and Training'' shall be $264,436,000, of which $226,251,000 shall be derived from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That the level provided under such heading for Veterans Workforce Investment Program grants shall be used for the Transition Assistance Program and activities authorized by the VOW to Hire Heroes Act of 2011, shall be available through September 30, 2013, and shall be in addition to any other funds available for those purposes: *Provided further*, That of the level provided under such heading, not less than $14,000,000 shall be for the Transition Assistance Program, and $3,414,000 shall be for the National Veterans' Employment and Training Services Institute.

SEC. 1803. The first proviso under the heading ''Department of Health and Human Services, Administration for Children and Families, Low Income Home Energy Assistance'' in division F of Public Law 112–74 shall be applied to amounts made available by this division by substituting ''2013'' for ''2012''.

SEC. 1804. Notwithstanding section 1101, the level for ''Department of Health and Human Services, Administration for Children and Families, Refugee and Entrant Assistance'' shall be $992,000,000.

SEC. 1805. Notwithstanding section 1101, the rescissions made in sections 522 and 525 of division F of Public Law 112–74 shall be repeated in this division with respect to funds available for fiscal year 2013.

SEC. 1806. Of the amount provided by section 1101 for ''Department of Education, Safe Schools and Citizenship Education'' for subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, $3,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies and institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis.

TITLE IX—LEGISLATIVE BRANCH

SEC. 1901. (a) Of the amounts made available by section 1101 for accounts under the heading ''Architect of the Capitol'', the Architect of the Capitol may transfer an aggregate amount of not more than $61,247,000 to ''Architect of the Capitol, Capitol Building'', solely for expenses related to the rehabilitation of the United States Capitol Dome.

(b) The transfer of amounts under the authority of subsection (a) shall be subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

(c) Any amounts transferred under the authority of subsection (a) shall remain available until expended.

TITLE X—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

SEC. 2001. (a) Notwithstanding section 1101, the level for the following accounts shall be as follows: ''Overseas Contingency Operations/Global War on Terrorism, Department of State, Administration of Foreign Affairs, Diplomatic and Consular Programs'', $4,169,640,000, of which $952,695,000 is for Worldwide Security Protection (to be available until expended); and ''Overseas Contingency Operations/Global War on Terrorism, Department of State, Administration of Foreign Affairs, Embassy Security, Construction, and Maintenance'', $1,362,124,000: *Provided*, That funds made available under this subsection shall be used for operations at high threat posts, security programs to protect personnel and property under Chief of Mission authority, preventing the compromise of classified United States Government information and equipment, and security construction or upgrade requirements at Department of State facilities worldwide, including for Worldwide Security Upgrades.

(b) Of the unobligated balances from funds appropriated in title VIII of division I of Public Law 112–74 under the heading ''Overseas Contingency Operations/Global War on Terrorism, Department of State, Administration of Foreign Affairs, Diplomatic and Consular Programs'' and designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, $1,109,700,000 is rescinded.

(c) The Secretary of State shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate providing an assessment of security requirements at United States diplomatic facilities abroad, a comprehensive plan for addressing such requirements, and a detailed description of embassy security improvements to be supported from funds made available under this section. Such report shall be submitted in unclassified form, but may include a classified annex if appropriate.

SEC. 2002. The amounts included in the first paragraph under the heading ''International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program'' in title IV of division I of Public Law 112–74 shall be applied to funds appropriated by this division by substituting in the second proviso ''$3,100,000,000'' for ''$3,075,000,000'' and by substituting in the fourth proviso ''$815,300,000'' for ''$808,725,000''.

SEC. 2003. (a) Notwithstanding section 1101, the level for each of the following accounts shall be $0: ''Multilateral Assistance, International Financial Institutions, Contribution to the Enterprise for the Americas Multilateral Investment Fund'' and ''Multilateral Assistance, International Financial Institutions, European Bank for Reconstruction and Development, Limitation on Callable Capital Subscriptions''.

(b) Notwithstanding section 1101, the level for the second paragraph for each of the following accounts shall be $0: ''Multilateral Assistance, International Financial Institutions, Contribution to the International Development Association'', ''Multilateral Assistance, International Financial Institutions, Contribution to the Inter-American Development Bank'', and ''Multilateral Assistance, International Financial Institutions, Contribution to the African Development Fund''.

SEC. 2004. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(a) in section 599D (8 U.S.C. 1157 note)—

(1) in subsection (b)(3), by striking ''and 2012'' and inserting ''2012, and 2013''; and

(2) in subsection (e), by striking ''2012'' each place it appears and inserting ''2013''; and

(b) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2012'' and inserting ''2013''.

SEC. 2005. Of the unexpended balances available under the heading ''Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $216,213,000 is rescinded.

TITLE XI—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

SEC. 2101. (a) Section 120 of division C of Public Law 112–55 shall not apply to amounts made available by this division.

(b) During the period covered by this division, section 1102 of Public Law 112–141 shall be applied—

(1) in subsection (a)(1), by substituting ''$39,143,582,670'' for ''$39,699,000,000'';

(2) in subsection (b)(10), as if the limitation applicable through fiscal year 2011 applied through fiscal year 2012; and

(3) in subsection (c)(5), by treating the reference to section 204 of title 23, United States Code, as a reference to sections 202 and 204 of such title.

SEC. 2102. Notwithstanding section 1101, the level for ''Department of Transportation, National Highway Traffic Safety Administration, Highway Traffic Safety Grants'' shall be $501,828,000: *Provided*, That the matter under such heading in division C of Public Law 112–55 shall be applied to amounts made available by this division as follows:

(1) by substituting ''$501,828,000'' for ''$550,328,000'' the second place it appears;

(2) by substituting ''23 U.S.C. 402 and 405 ('National Priority Safety Programs'), section 31101(a)(6) of Public Law 112–141, and section 2009 of Public Law 109–59 (as amended by Public Law 112–141)'' for ''23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59'' each place it appears;

(3) by substituting ''fiscal year 2013'' for ''fiscal year 2012'';

(4) by substituting '''Occupant Protection Grants' under 23 U.S.C. 405(b)'' for '''Occupant Protection Incentive Grants' under 23 U.S.C. 405'';

(5) by substituting ''$0'' for ''$48,500,000'';

(6) by substituting '''State Traffic Safety Information System Improvements' under 23 U.S.C. 405(c)'' for '''State Traffic Safety Information System Improvements' under 23 U.S.C. 408'';

(7) by substituting '''Impaired Driving Countermeasures' under 23 U.S.C. 405(d)'' for '''Alcohol-Impaired Driving Countermeasures Incentive Grant Program' under 23 U.S.C. 410'';

(8) by substituting '''Administrative Expenses' under section 31101(a)(6) of Public Law 112–141'' for '''Administrative Expenses' under section 2001(a)(11) of Public Law 109–59'';

(9) by substituting '''Motorcyclist Safety' under 23 U.S.C. 405(f)'' for '''Motorcyclist Safety' under section 2010 of Public Law 109–59'';

(10) by substituting ''Occupant Protection Grants' under 23 U.S.C. 405(b)'' for ''Child Safety and Child Booster Seat Safety Incentive Grants' under section 2011 of Public Law 109–59'';

(11) by substituting ''section 405(a)(1)(C) of title 23, United States Code'' for ''section 410 'Alcohol-Impaired Driving Countermeasures Grants' '';

(12) by substituting ''$0'' for ''$750,000''; and

(13) by substituting ''$0'' for ''$25,000,000''.

SEC. 2103. The matter under the heading ''Department of Transportation, Federal Transit Administration, Formula and Bus Grants'' in division C of Public Law 112–55 shall be applied to amounts made available by this division by substituting ''49 U.S.C. 5305, 5307, 5310, 5311, 5318, 5322(d), 5335, 5337, 5339, and 5340'' for ''49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended'' each place it appears.

SEC. 2104. Section 601(e)(1)(B) of division B of Public Law 110–432 shall be applied by substituting the date specified in section 1106 of this division for ''4 years after such date''.

SEC. 2105. Section 112 of division C of Public Law 112–55 shall be applied to funds appropriated by this division by treating such section as if it were amended by striking ''49 U.S.C. 41742(b) shall not apply, and''.

SEC. 2106. The first proviso under the heading ''Department of Housing and Urban Development, Community Planning and Development, Homeless Assistance Grants'' in division C of Public Law 112–55 (125 Stat. 685) shall be applied to amounts appropriated by this division by substituting ''not more than'' for ''not less than''.

SEC. 2107. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Public and Indian Housing, Indian Housing Loan Guarantee Fund Program Account'' shall be $7,360,000: *Provided*, That the second proviso under such heading in division C of Public Law 112–55 shall be applied to funds appropriated by this division by substituting ''$976,000,000'' for ''$360,000,000''.

This division may be cited as the ''Full-Year Continuing Appropriations Act, 2013''.

DIVISION D—ACROSS-THE-BOARD REDUCTIONS

SEC. 3001. (a) There is hereby rescinded the applicable percentage (as specified in subsection (b)) of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2013 for any discretionary account in divisions A through C of this Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2013 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2013 for any program subject to limitation incorporated or otherwise contained in divisions A through C of this Act.

(b)(1) For purposes of subsection (a), the applicable percentage shall be—

(A) for budget authority in the nonsecurity category (as defined in section 250(c)(4)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985), 0.098 percent; and

(B) for budget authority in the security category (as defined in section 250(c)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985), 0.109 percent.

(2) If, for fiscal year 2013, the amount of new budget authority provided in appropriation Acts exceeds the discretionary spending limits set forth in section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act on new budget authority for any category due to estimating differences with the Congressional Budget Office, the Director of the Office of Management and Budget shall increase the applicable percentage in paragraph (1) with respect to that category by such amount as is necessary to eliminate the amount of the excess in that category.

(c) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the applicable appropriation Act or accompanying reports covering such account or item).

(d) This section shall not apply to—

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

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

(e) Within 30 days after the date of the enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

SEC. 3002. Notwithstanding any other provision of this Act, if, on or after the date of enactment of this Act, a sequestration order issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is in effect, the reductions in each discretionary account under such order shall apply to the amounts provided in this Act consistent with section 253(f) of that Act, and shall be in addition to any reductions required by section 251(a) of that Act.

EXPLANATORY STATEMENT SUBMITTED BY MR. ROGERS OF KENTUCKY, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS REGARDING H.R. 933, THE DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2013

The following is an explanation of the Department of Defense, Military Construction and Veterans Affairs, and Full-Year Continuing Appropriations Act, 2013.

The divisions contained in the Act are as follows:

Division A—Department of Defense Appropriations Act, 2013;

Division B—Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2013;

Division C—Full-Year Continuing Appropriations Act, 2013; and

Division D—Across-the-Board Reductions.

Section 3 of the Act states that, unless expressly provided otherwise, any reference to ''this Act'' contained in any division shall be treated as referring only to the provisions of that division.

Section 4 of the Act specifies that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this legislation as if it were a joint explanatory statement of a committee of conference.

Section 5 of the Act states that each amount designated by Congress as being for Overseas Contingency Operations/Global War on Terrorism is contingent on the President so designating all such amounts and transmitting such designations to Congress. The provision is consistent with the requirements in the Budget Control Act of 2011 for Overseas Contingency Operations/Global War on Terrorism designations by the President.

References in this explanatory statement to ''conferees'' are deemed to be references to the Committees on Appropriations of the House of Representatives and the Senate, and references to the ''conference agreement'' are deemed, in the case of division A, to be references to the Department of Defense Appropriations Act, 2013, and in the case of division B, to be references to the Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2013.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

The conference agreement on the Department of Defense Appropriations Act, 2013, incorporates some of the provisions of both the House and the Senate versions of the bill. The language and allocations set forth in House Report 112–493 and Senate Report 112–196 shall be complied with unless specifically addressed to the contrary in the accompanying bill and explanatory statement.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the terms ''program, project, and activity'' for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 2013, the related classified annexes and explanatory statements, and the P–1 and R–1 budget justification documents as subsequently modified by congressional action. The following exception to the above definition shall apply: for the military personnel and the operation and maintenance accounts, for which the term ''program, project, and activity'' is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

At the time the President submits the budget for fiscal year 2014, the Department of Defense is directed to transmit to the congressional defense committees budget justification documents to be known as the ''M–1'' and ''O–1'' which shall identify, at the budget activity, activity group, and sub-activity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2014.

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

CLASSIFIED ANNEX

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

CONGRESSIONAL SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase ''only for'' or ''only to'' are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these

items must be carried on the DD Form 1414 at the stated amount, as specifically addressed in the explanatory statement.

REPROGRAMMING GUIDANCE

The conferees direct the Secretary of Defense to continue to follow the reprogramming guidance for acquisition accounts as specified in the report accompanying the House version of the fiscal year 2008 Department of Defense Appropriations bill (House Report 110–279). For operation and maintenance accounts, the Department of Defense shall continue to follow the reprogramming guidelines specified in the conference report accompanying H.R. 3222, the Department of Defense Appropriations Act, 2008. The dollar threshold for reprogramming funds shall remain at $15,000,000 for operation and maintenance; $20,000,000 for procurement; and $10,000,000 for research, development, test and evaluation.

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

FUNDING INCREASES

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

SHIP MODERNIZATION, OPERATIONS AND SUSTAINMENT FUND

As detailed in House Report 112–493 and Senate Report 112–196, the conferees remain concerned with the Navy's proposal to prematurely retire capable and relevant ships with over 100 years of remaining service life following an initial investment of no less than $11,600,000,000 in current fiscal year 2012 dollars.

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

Additionally, the conferees direct the Comptroller General to review the Navy's methodology and analysis regarding its decommissioning proposal, to include an analysis of the extent to which readiness metrics, maintenance, and inspection data; operating and support costs; and cost metrics related to initial and proposed curtailed service lives were considered. This review shall also address the extent to which decommissioning costs and any costs for maintaining or acquiring like capabilities were considered, the extent to which combatant command requirements were taken into account when the proposal was made, and the impact of the reduced fleet size on the Navy's ability to meet operational and personnel tempo goals and maintenance requirements. The results of this review should be submitted to the congressional defense committees not later than 180 days after the enactment of this Act.

In addition, the USS Port Royal (CG–73) incurred significant damage following a grounding incident in 2009. Following the incident, the ship was repaired and has since completed a deployment. However, while the Navy claims that the ship never completely recovered from the grounding, the Navy has failed to provide adequate analysis and cost data on the structural condition of the USS Port Royal. Therefore, the conferees direct the Secretary of the Navy to carry out an independent structural assessment of the Port Royal that includes a comparative structural assessment to other cruisers of the same class. The independent review shall provide a detailed cost estimate to repair the ship and how that estimate differs from the cost to repair other cruisers of the same class, including what issues would be corrected during planned maintenance availabilities. The conferees further direct that this independent assessment be certified by the Government Accountability Office (GAO). Both the independent review and the GAO certification should be submitted to the congressional defense committees not later than 180 days after the enactment of this Act.

FORCE STRUCTURE

The conferees agree to include a provision that prohibits the Air Force from using funds made available by this Act to retire, divest, realign, or transfer aircraft, or to disestablish or convert units, with an exception for actions proposed in the fiscal year 2013 budget request affecting C–5, C–17, and E–8 aircraft, and their associated units.

The conferees do not agree to require the Air Force to submit cost-benefit analyses for the force structure proposals in the fiscal year 2013 budget request, as proposed by the House. However, the conferees expect that any future force structure proposals submitted by the Air Force will be transparently and comprehensively justified.

CONFERENCES

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

TREATY COMPLIANCE

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

BASE REALIGNMENT AND CLOSURE

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

TITLE I—MILITARY PERSONNEL

The conference agreement provides $127,533,073,000 in Title I, Military Personnel, instead of $128,462,794,000 as proposed by the House and $127,502,463,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 9 here EH06MR13.001

Insert offset folio 10 here EH06MR13.002

Insert offset folio 11 here EH06MR13.003

PERMANENT CHANGE OF STATION EFFICIENCIES

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

COMPOSITE PAY RATES

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

MILITARY PERSONNEL, ARMY

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

Insert offset folio 15 here EH06MR13.004

Insert offset folio 16 here EH06MR13.005

Insert offset folio 17 here EH06MR13.006

MILITARY PERSONNEL, NAVY

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

Insert offset folio 19 here EH06MR13.007

Insert offset folio 20 here EH06MR13.008

Insert offset folio 21 here EH06MR13.009

MILITARY PERSONNEL, MARINE CORPS

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

Insert offset folio 23 here EH06MR13.010

Insert offset folio 24 here EH06MR13.011

Insert offset folio 25 here EH06MR13.012

MILITARY PERSONNEL, AIR FORCE

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

Insert offset folio 27 here EH06MR13.013

Insert offset folio 28 here EH06MR13.014

Insert offset folio 29 here EH06MR13.015

RESERVE PERSONNEL, ARMY

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

Insert offset folio 31 here EH06MR13.016

Insert offset folio 32 here EH06MR13.017

RESERVE PERSONNEL, NAVY

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

Insert offset folio 34 here EH06MR13.018

Insert offset folio 35 here EH06MR13.019

RESERVE PERSONNEL, MARINE CORPS

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

Insert offset folio 37 here EH06MR13.020

Insert offset folio 38 here EH06MR13.021

RESERVE PERSONNEL, AIR FORCE

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

Insert offset folio 40 here EH06MR13.022

Insert offset folio 41 here EH06MR13.023

NATIONAL GUARD PERSONNEL, ARMY

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

Insert offset folio 43 here EH06MR13.024

Insert offset folio 44 here EH06MR13.025

NATIONAL GUARD PERSONNEL, AIR FORCE

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

Insert offset folio 46 here EH06MR13.026

Insert offset folio 47 here EH06MR13.027

TITLE II—OPERATION AND MAINTENANCE

The conference agreement provides $173,494,558,000 in Title II, Operation and Maintenance, instead of $175,103,569,000 as proposed by the House and $170,785,490,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 49 here EH06MR13.028

REPROGRAMMING GUIDANCE FOR OPERATION AND MAINTENANCE ACCOUNTS

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

Also, the conferees direct the Under Secretary of Defense (Comptroller) to continue to provide the congressional defense committees annual DD Form 1416 reports for service and defense-wide accounts in titles I and II of this Act. Further, the conferees direct the Under Secretary of Defense (Comptroller) to submit the Base for Reprogramming (DD Form 1414) for each of the fiscal year 2013 appropriations accounts not later than 60 days after the enactment of this Act. The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Appropriations Committees.

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

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

Navy:
Aircraft depot maintenance
Ship depot maintenance
Facilities Sustainment, Restoration, and Modernization

Marine Corps:
Depot maintenance
Facilities Sustainment, Restoration, and Modernization

Air Force:
Primary combat forces
Combat enhancement forces
Combat communications
Facilities Sustainment, Restoration, and Modernization
Operating forces depot maintenance
Mobilization depot maintenance
Training and recruiting depot maintenance
Administration and service-wide depot maintenance

Air Force Reserve:
Depot maintenance

Air National Guard:
Depot maintenance

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

Operation and Maintenance, Army National Guard: Other personnel support/recruiting and advertising

With respect to Operation and Maintenance, Defense-Wide, proposed transfers of funds to or from the levels specified for defense agencies in excess of $15,000,000 shall be subject to prior approval reprogramming procedures.

MILITARY INFORMATION SUPPORT OPERATIONS

The conference agreement includes $187,200,000 for Department of Defense military information support operations, instead of $170,100,000 as proposed by the House and $228,600,000 as proposed by the Senate. Of the total amount, the conference agreement includes $32,400,000 in title II and $154,800,000 in title IX of this division. The allocation of funding by combatant command and funding levels for certain programs is specifically delineated in the classified annex accompanying this Act. Those items shall be considered congressional special interest items and be subject to normal reprogramming procedures. The conferees reiterate the direction in House Report 112–493 regarding congressional budget justifications and reporting requirements for military information support operations.

SPECIAL OPERATIONS COMMAND NATIONAL CAPITAL REGION

The conferees are aware of a proposal to establish a Special Operations Command National Capital Region (SOCOM–NCR) entity. While no funds were requested for this activity in either the fiscal year 2012 or fiscal year 2013 budget submissions, the conferees understand that SOCOM began this initiative using fiscal year 2012 Overseas Contingency Operations funds. Unfortunately, few details have been provided regarding the basis for this proposal and the expected efficiencies. Therefore, the conferees direct that no funds made available in this Act shall be used for the SOCOM–NCR until 30 days after the congressional defense committees have received a copy of the Secretary of Defense's waiver of Section 8018 of this Act and a report which describes the purpose of, and activities to be performed by the SOCOM–NCR, an explanation of the impact of this proposal on existing activities at SOCOM headquarters, and a detailed, by fiscal year, breakout of the staffing and costs associated with its establishment over the future years defense program.

OPERATION AND MAINTENANCE, ARMY

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

Insert graphic folio 55 here EH06MR13.029

Insert graphic folio 56 here EH06MR13.030

Insert graphic folio 57 here EH06MR13.031

Insert graphic folio 58 here EH06MR13.032

Insert graphic folio 59 here EH06MR13.033

OPERATION AND MAINTENANCE, NAVY

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

Insert graphic folio 61 here EH06MR13.034

Insert graphic folio 62 here EH06MR13.035

Insert graphic folio 63 here EH06MR13.036

Insert graphic folio 64 here EH06MR13.037

OPERATION AND MAINTENANCE, MARINE CORPS

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

Insert graphic folio 66 here EH06MR13.038

Insert graphic folio 67 here EH06MR13.039

OPERATION AND MAINTENANCE, AIR FORCE

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

Insert graphic folio 69 here EH06MR13.040

Insert graphic folio 70 here EH06MR13.041

Insert graphic folio 71 here EH06MR13.042

Insert graphic folio 72 here EH06MR13.043

Insert graphic folio 73 here EH06MR13.044

OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

Insert graphic folio 75 here EH06MR13.045

Insert graphic folio 76 here EH06MR13.046

Insert graphic folio 77 here EH06MR13.047

Insert graphic folio 78 here EH06MR13.048

OPERATION AND MAINTENANCE, ARMY RESERVE

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

Insert graphic folio 80 here EH06MR13.049

Insert graphic folio 81 here EH06MR13.050

OPERATION AND MAINTENANCE, NAVY RESERVE

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

Insert graphic folio 83 here EH06MR13.051

Insert graphic folio 84 here EH06MR13.052

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

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

Insert graphic folio 86 here EH06MR13.053

Insert graphic folio 87 here EH06MR13.054

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

Insert graphic folio 89 here EH06MR13.055

Insert graphic folio 90 here EH06MR13.056

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

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

Insert offset folio 93 here EH06MR13.057

Insert offset folio 93 here EH06MR13.058

Insert offset folio 94 here EH06MR13.059

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

Insert offset folio 96 here EH06MR13.060

Insert offset folio 97 here EH06MR13.061

UNITED STATES COURT OF APPEALS FOR THE ARMED SERVICES

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

ENVIRONMENTAL RESTORATION, ARMY

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

ENVIRONMENTAL RESTORATION, NAVY

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

ENVIRONMENTAL RESTORATION, AIR FORCE

The conference agreement provides $529,263,000 for Environmental Restoration, Air Force, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

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

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

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

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

COOPERATIVE THREAT REDUCTION ACCOUNT

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

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

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

TITLE III—PROCUREMENT

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

Insert offset folio 101 here EH06MR13.062

SPECIAL INTEREST ITEMS

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

REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

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

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

DIMINISHING MANUFACTURING SOURCES COSTS IN MISSILE PROGRAMS

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

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

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

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

JOINT STRIKE FIGHTER ADVANCE PROCUREMENT AND CONTRACT DELAYS

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

USE OF UNMANNED AERIAL VEHICLES IN DOMESTIC AIRSPACE

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

AIRCRAFT PROCUREMENT, ARMY

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

Insert offset folio 107 here EH06MR13.063

Insert offset folio 108 here EH06MR13.064

Insert offset folio 109 here EH06MR13.065

MISSILE PROCUREMENT, ARMY

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

Insert offset folio 111 here EH06MR13.066

Insert offset folio 112 here EH06MR13.067

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

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

Insert offset folio 114 here EH06MR13.068

Insert offset folio 115 here EH06MR13.069

Insert offset folio 116 here EH06MR13.070

PROCUREMENT OF AMMUNITION, ARMY

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

Insert offset folio 118 here EH06MR13.071

Insert offset folio 119 here EH06MR13.072

Insert offset folio 120 here EH06MR13.073

OTHER PROCUREMENT, ARMY

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

Insert offset folio 122 here EH06MR13.074

Insert offset folio 123 here EH06MR13.075

Insert offset folio 124 here EH06MR13.076

Insert offset folio 125 here EH06MR13.077

Insert offset folio 126 here EH06MR13.078

Insert offset folio 127 here EH06MR13.079

Insert offset folio 128 here EH06MR13.080

Insert offset folio 129 here EH06MR13.081

CONTAINER HANDLING EQUIPMENT

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

AIRCRAFT PROCUREMENT, NAVY

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

Insert offset folio 132 here EH06MR13.082

Insert offset folio 133 here EH06MR13.083

Insert offset folio 134 here EH06MR13.084

Insert offset folio 135 here EH06MR13.085

Insert offset folio 136 here EH06MR13.086

Insert offset folio 137 here EH06MR13.087

Insert offset folio 138 here EH06MR13.088

WEAPONS PROCUREMENT, NAVY

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

Insert offset folio 140 here EH06MR13.089

Insert offset folio 141 here EH06MR13.090

Insert offset folio 142 here EH06MR13.091

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

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

Insert offset folio 144 here EH06MR13.092

Insert offset folio 145 here EH06MR13.093

Insert offset folio 146 here EH06MR13.094

SHIPBUILDING AND CONVERSION, NAVY

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

Insert offset folio 148 here EH06MR13.095

Insert offset folio 149 here EH06MR13.096

VIRGINIA CLASS SUBMARINE

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

OTHER PROCUREMENT, NAVY

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

Insert offset folio 152 here EH06MR13.097

Insert offset folio 153 here EH06MR13.098

Insert offset folio 154 here EH06MR13.099

Insert offset folio 155 here EH06MR13.100

Insert offset folio 156 here EH06MR13.101

Insert offset folio 157 here EH06MR13.102

Insert offset folio 158 here EH06MR13.103

Insert offset folio 159 here EH06MR13.104

Insert offset folio 160 here EH06MR13.105

Insert offset folio 161 here EH06MR13.106

PROCUREMENT, MARINE CORPS

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

Insert offset folio 163 here EH06MR13.107

Insert offset folio 164 here EH06MR13.108

Insert offset folio 165 here EH06MR13.109

Insert offset folio 166 here EH06MR13.110

Insert offset folio 167 here EH06MR13.111

AIRCRAFT PROCUREMENT, AIR FORCE

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

Insert offset folio 169 here EH06MR13.112

Insert offset folio 170 here EH06MR13.113

Insert offset folio 171 here EH06MR13.114

Insert offset folio 172 here EH06MR13.115

Insert offset folio 173 here EH06MR13.116

Insert offset folio 174 here EH06MR13.117

B–52 COMBAT NETWORK COMMUNICATIONS TECHNOLOGY

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

MISSILE PROCUREMENT, AIR FORCE

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

Insert graphic folio 177 EH06MR13.118

Insert graphic folio 178 EH06MR13.119

Insert graphic folio 179 EH06MR13.120

EVOLVED EXPENDABLE LAUNCH VEHICLE

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

PROCUREMENT OF AMMUNITION, AIR FORCE

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

Insert graphic folio 182 EH06MR13.121

Insert graphic folio 183 EH06MR13.122

OTHER PROCUREMENT, AIR FORCE

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

Insert graphic folio 185 EH06MR13.123

Insert graphic folio 186 EH06MR13.124

Insert graphic folio 187 EH06MR13.125

Insert graphic folio 188 EH06MR13.126

PROCUREMENT, DEFENSE-WIDE

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

Insert graphic folio 190 EH06MR13.127

Insert graphic folio 191 EH06MR13.128

Insert graphic folio 192 EH06MR13.129

Insert graphic folio 193 EH06MR13.130

DEFENSE PRODUCTION ACT PURCHASES

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

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	Conference
GALLIUM NITRIDE RADAR AND ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	5,031	5,031
CADMIUM ZINC TELLURIDE SUBSTRATE PRODUCTION	1,900	1,900
READ OUT INTEGRATED CIRCUIT FOUNDRY IMPROVEMENT AND SUSTAINABILITY	1,200	1,200
SPACE QUALIFIED SOLAR CELL SUPPLY CHAIN	1,000	1,000
TRAVELING WAVE TUBE AMPLIFIERS	1,320	1,320
COMPLEMENTARY METAL OXIDE SEMICONDUCTOR FOCAL PLAN ARRAYS FOR VISIBLE SENSORS FOR STAR TRACKERS	1,800	1,800
ADVANCED PROJECTS	1,280	1,280
PRODUCTION BASE INVESTMENT ASSESSMENTS AND ACTIVITIES	5,658	0
Program reduction		−5,658
ADVANCED DROP-IN BIOFUEL PRODUCTION	70,000	60,000
Ahead of need		−10,000
PROGRAM INCREASE		150,000
TOTAL, DEFENSE PRODUCTION ACT	89,189	223,531

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

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

Insert graphic folio 196 EH06MR13.131

SPECIAL INTEREST ITEMS

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

REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

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

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

DEPARTMENT OF DEFENSE AND SERVICE CYBER ACTIVITIES

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

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

Insert offset folio 200 here EH06MR13.132

Insert offset folio 201 here EH06MR13.133

Insert offset folio 202 here EH06MR13.134

Insert offset folio 203 here EH06MR13.135

Insert offset folio 204 here EH06MR13.136

Insert offset folio 205 here EH06MR13.137

Insert offset folio 206 here EH06MR13.138

Insert offset folio 207 here EH06MR13.139

Insert offset folio 208 here EH06MR13.140

Insert offset folio 209 here EH06MR13.141

Insert offset folio 210 here EH06MR13.142

ACTIVE DENIAL TECHNOLOGY

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

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

Insert offset folio 213 here EH06MR13.143

Insert offset folio 214 here EH06MR13.144

Insert offset folio 215 here EH06MR13.145

Insert offset folio 216 here EH06MR13.146

Insert offset folio 217 here EH06MR13.147

Insert offset folio 218 here EH06MR13.148

Insert offset folio 219 here EH06MR13.149

Insert offset folio 220 here EH06MR13.150

Insert offset folio 221 here EH06MR13.151

Insert offset folio 222 here EH06MR13.152

Insert offset folio 223 here EH06MR13.153

Insert offset folio 224 here EH06MR13.154

Insert offset folio 225 here EH06MR13.155

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

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

Insert offset folio 227 here EH06MR13.156

Insert offset folio 228 here EH06MR13.157

Insert offset folio 229 here EH06MR13.158

Insert offset folio 230 here EH06MR13.159

Insert offset folio 231 here EH06MR13.160

Insert offset folio 232 here EH06MR13.161

Insert offset folio 233 here EH06MR13.162

Insert offset folio 234 here EH06MR13.163

Insert offset folio 235 here EH06MR13.164

Insert offset folio 236 here EH06MR13.165

Insert offset folio 237 here EH06MR13.166

Insert offset folio 238 here EH06MR13.167

Insert offset folio 239 here EH06MR13.168

SPACE MODERNIZATION INITIATIVES

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

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

PROMOTING ENERGY SECURITY

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

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

Insert offset folio 243 here EH06MR13.169

Insert offset folio 244 here EH06MR13.170

Insert offset folio 245 here EH06MR13.171

Insert offset folio 246 here EH06MR13.172

Insert offset folio 247 here EH06MR13.173

Insert offset folio 248 here EH06MR13.174

Insert offset folio 249 here EH06MR13.175

Insert offset folio 250 here EH06MR13.176

Insert offset folio 251 here EH06MR13.177

Insert offset folio 252 here EH06MR13.178

Insert offset folio 253 here EH06MR13.179

Insert offset folio 254 here EH06MR13.180

OPERATIONAL TEST AND EVALUATION, DEFENSE

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

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

R–1	Budget Request	Conference
RDT&E MANAGEMENT SUPPORT		
1 OPERATIONAL TEST AND EVALUATION	72,501	91,501
National cyber range shortfall		4,000
Cyber testing shortfall		15,000
2 LIVE FIRE TESTING	49,201	49,201
3 OPERATIONAL TEST ACTIVITIES AND ANALYSIS	63,566	83,066
Restore unjustified reductions		19,500
TOTAL, OPERATIONAL TEST & EVALUATION, DEFENSE	185,268	223,768

TITLE V—REVOLVING AND MANAGEMENT FUNDS

The conference agreement provides $2,214,024,000 in Title V, Revolving and Management Funds as proposed by the Senate, instead of $2,080,820,000 as proposed by the House. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 257 here EH06MR13.181

DEFENSE WORKING CAPITAL FUNDS

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

NATIONAL DEFENSE SEALIFT FUND

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

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget request	Conference
STRATEGIC SEALIFT ACQUISITION	77,386	172,590
Navy requested transfer of funds for AFSB 1 only		−38,000
Fully fund AFSB 1 modification only		140,500
MLP #3 outfitting and post delivery ahead of need		−7,296
DoD MOBILIZATION ASSETS	184,616	184,616
SEALIFT RESEARCH AND DEVELOPMENT	42,811	37,311
Transfer of funds for AFSB 1 only		−5,500
READY RESERVE FORCE OPERATIONS AND MAINTENANCE	303,323	303,323
TOTAL, NATIONAL DEFENSE SEALIFT FUND	608,136	697,840

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement provides $35,526,674,000 in Title VI, Other Department of Defense Programs, instead of $35,905,118,000 as proposed by the House and $35,013,758,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 260 here EH06MR13.182

DEFENSE HEALTH PROGRAM

The conference agreement provides $32,715,304,000 for the Defense Health Program, instead of $32,902,234,000 as proposed by the House and $32,240,788,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 262 here EH06MR13.183

Insert offset folio 263 here EH06MR13.184

REPROGRAMMING GUIDANCE FOR THE DEFENSE HEALTH PROGRAM

The conferees remain concerned regarding the transfer of funds from Direct (or In-house) Care to pay for contractor-provided medical care. To limit such transfers and improve oversight within the Defense Health Program operation and maintenance account, the conferees include a provision which caps the funds available for Private Sector Care under the TRICARE program subject to prior approval reprogramming procedures. The provision and accompanying explanatory statement language included by the conferees should not be interpreted by the Department as limiting the amount of funds that may be transferred to the Direct Care System from other budget activities within the Defense Health Program. In addition, the conferees continue to designate the funding for the Direct Care System as a special interest item. Any transfer of funds from the Direct (or In-house) Care budget activity into the Private Sector Care budget activity or any other budget activity will require the Department of Defense to follow prior approval reprogramming procedures.

The Department shall also provide written notification to the congressional defense committees of cumulative transfers in excess of $15,000,000 out of the Private Sector Care budget activity. The conferees further direct the Assistant Secretary of Defense (Health Affairs) to provide quarterly reports to the congressional defense committees on budget execution data for all of the Defense Health Program accounts and to adequately reflect changes to the budget activities requested by the Services in future budget submissions.

CARRYOVER

For fiscal year 2013, the conferees recommend one percent carryover authority for the operation and maintenance account of the Defense Health Program. The conferees direct the Assistant Secretary of Defense (Health Affairs) to submit a detailed spending plan for any fiscal year 2012 designated carryover funds to the congressional defense committees not less than 30 days prior to executing the carryover funds.

PEER-REVIEWED CANCER RESEARCH PROGRAM

The conference agreement provides $15,000,000 for a Peer-Reviewed Cancer Research Program that would research cancers not addressed in the breast, prostate, ovarian, and lung cancer research programs currently executed by the Department of Defense, and specifically by the U.S. Army Medical Research and Materiel Command.

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

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

PEER-REVIEWED MEDICAL RESEARCH PROGRAM

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

INTEGRATED ELECTRONIC HEALTH RECORD

The conference agreement includes a provision restricting the amount of funding that may be obligated to develop the integrated Department of Defense-Department of Veterans Affairs (DoD–VA) integrated Electronic Health Record (iEHR) to 25 percent of the funding provided until the DoD–VA Interagency Program Office (IPO) provides the House and Senate Appropriations Committees an expenditure plan which includes elements such as a budget and cost baseline with annual and total spending for each Department and quarterly milestones. The expenditure plan should also be submitted to the Government Accountability Office for review.

The conferees are concerned that after four years of working to establish a joint framework to collaborate and develop an integrated Electronic Health Record, the two Departments still seem to be operating as single entities. The conferees support the creation of the IPO and recognize this office as the single point of accountability for the development and implementation of the integrated Electronic Health Record for both Departments. Unfortunately, since the creation of the IPO and the naming of a director, the conferees have seen little benefit from establishing this office since both Departments appear to operate as separate entities. Despite repeated inquiries, neither the Departments nor the IPO has been able to provide Congress with a firm total cost of the integrated system. The conferees are concerned that the IPO is unable to maintain focus on its defined goals, provide effective governance, manage and maintain accountability on behalf of both Departments, and provide Congress with detailed expenditure plans as well as information regarding the progress and future plans for this project.

As a result, the conferees direct the IPO to deliver to the congressional defense committees, the Senate and House Subcommittees on Appropriations for Military Construction, Veterans Affairs, and Related Agencies, and the Government Accountability Office (GAO) a quarterly report that includes a detailed explanation of the cost and schedule of the iEHR development, to include milestones, knowledge points, and acquisition timelines as they impact both Departments, as well as quarterly obligation reports. The conferees also direct the IPO to continue briefing the House and Senate Appropriations Committees on a quarterly basis, coinciding with the report submission. The conferees further direct the GAO to review these quarterly reports and provide an annual report to the congressional defense committees and the Senate and House Subcommittees on Appropriations for Military Construction, Veterans Affairs, and Related Agencies on the cost and schedule of the iEHR.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

The conference agreement provides $1,301,786,000 for Chemical Agents and Munitions Destruction, Defense, as proposed by both the House and the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert graphic folio 269 EH06MR13.185

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

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

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	Conference
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES	999,363	1,159,263
National Guard counter-drug program		130,000
Young Marines drug demand reduction program		4,000
Program increase—drug demand reduction program for expanded drug testing		25,900

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

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

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	Conference
STAFF AND INFRASTRUCTURE	227,414	0
JIEDDO Staff and Infrastructure—transfer to title IX		−227,414

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

OFFICE OF THE INSPECTOR GENERAL

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

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	Conference
OPERATION AND MAINTENANCE	272,821	347,621
Program increase		74,800
PROCUREMENT	1,000	2,700
Program increase		1,700
TOTAL, OFFICE OF THE INSPECTOR GENERAL	273,821	350,321

TITLE VII—RELATED AGENCIES

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

Insert graphic folio 274 EH06MR13.186

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in a separate detailed and comprehensive classified annex. The Intelligence Community, Department of Defense, and other organizations are expected to fully comply with the recommendations and directions in the classified annex accompanying the Department of Defense Appropriations Act, 2013.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

The conference agreement provides $514,000,000 for the Central Intelligence Agency Retirement and Disability Fund, as proposed by both the House and the Senate.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conference agreement provides $534,421,000 for the Intelligence Community Management Account, instead of $511,476,000 as proposed by the House and $542,346,000 as proposed by the Senate.

TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporates general provisions from the House and Senate versions of the bill which were not amended. Those general provisions that were addressed in conference are as follows:

The conference agreement modifies a provision proposed by the House and the Senate which provides general transfer authority of $4,000,000,000.

The conference agreement retains a provision proposed by the House which identifies tables as Explanation of Project Level Adjustments. The Senate bill contained a similar provision.

The conference agreement modifies a provision proposed by the House and the Senate regarding limitations and conditions on the use of funds made available by this Act to initiate multi-year contracts.

The conference agreement retains a provision proposed by the Senate which prohibits the use of funds to demilitarize or dispose of certain small firearms. The House bill contained a similar provision but made it permanent.

The conference agreement retains a provision proposed by the Senate which provides funding from various appropriations for the Civil Air Patrol Corporation. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate which prohibits the sale of the F–22 to any foreign government. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the House which provides that the Office of Economic Adjustment may use funds made available under Operation and Maintenance, Defense-Wide to make grants and supplement other federal funds in accordance with guidance provided. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House and the Senate recommending rescissions. The provision provides for the rescission of $2,142,447,000 from the following programs:

(RESCISSIONS)

2007 Appropriations:	
Shipbuilding and Conversion, Navy:	
DDG–51 Destroyer	$98,400,000
DDG–51 Destroyer advance procurement	2,500,000
CVN refueling overhaul	14,100,000
2011 Appropriations:	
Procurement of Ammunition, Army:	
40mm ammunition	14,862,000
Other Procurement, Army:	
Defense enterprise wideband SATCOM systems	10,900,000
Tractor Desk	6,900,000
Sense through the wall	1,845,000
Long range advanced scout surveillance system	17,200,000
BCT network	36,000,000
Handheld standoff mine detection system	11,500,000
Mounted soldier system	2,753,000
Training logistics management	21,000,000
Aircraft Procurement, Navy:	
P–8A	30,100,000
EA–18G advance procurement	5,960,000
Special support equipment	7,800,000
Shipbuilding and Conversion, Navy:	
DDG–51 Destroyer	215,300,000
Weapons Procurement, Navy:	
Tomahawk contract savings	22,000,000
Aircraft Procurement, Air Force:	
Light mobility aircraft	65,300,000
C–130 AMP	28,100,000
Other Procurement, Air Force:	
GCSS–AF FOS (ECSS)	9,500,000
2012 Appropriations:	
Operation and Maintenance, Defense-Wide	
Office of Economic Adjustment grant to Guam	21,000,000
Aircraft Procurement, Army:	
Utility F/W aircraft	800,000
MQ–1 payload—UAS	31,600,000
Global air traffic management	15,000,000
Other Procurement, Army:	
Warfighter information network—tactical	80,000,000
Tractor Desk	2,200,000
Gunshot detection system	1,000,000
Handheld standoff mine detection system	34,000,000
Mounted soldier system	5,000,000
Training logistics management	26,008,000
Knight family	31,400,000
Aircraft Procurement, Navy:	
F–18 series OSIP 14–03 ILS	10,000,000
H–53 series IMDS installation kits	4,400,000
F–18E/F advance procurement	4,640,000
Shipbuilding and Conversion, Navy:	
Littoral combat ship over-target contingency	28,800,000
DDG–51 Destroyer	83,000,000
Weapons Procurement, Navy:	
Tomahawk contract savings	18,000,000
AMRAAM contract savings	6,915,000
ASW targets	10,000,000
AIM–9X sidewinder	1,552,000
Procurement of Ammunition, Navy and Marine Corps:	
Demolition munitions, all types	16,300,000
Procurement, Marine Corps:	
LAV PIP	86,555,000
Follow on to SMAW	37,300,000
Air operations C2 systems	8,700,000
Aircraft Procurement, Air Force:	
Common vertical lift support platform	52,800,000
Light attack armed reconnaissance	115,049,000
RQ–4 advance procurement	71,500,000
C–17 modifications	37,750,000
C–130 AMP	117,200,000
Missile Procurement, Air Force:	
AMRAAM contract savings	42,624,000
AIM–9X sidewinder	3,274,000
Classified programs	7,000,000
Other Procurement, Air Force:	
GCSS–AF FOS (ECSS)	55,800,000
Procurement, Defense-Wide:	
MDA–AN/TPY–2	16,000,000
Research, Development, Test and Evaluation, Army:	
Joint air-to-ground missile	33,000,000
Enhanced medium altitude reconnaissance surveillance system	8,000,000
Research, Development, Test and Evaluation, Navy:	
Medium range maritime UAS	12,000,000
Joint air-to-ground missile	105,000,000
Littoral combat ship	15,800,000
Unmanned carrier launched airborne surveillance and strike system	9,000,000
Joint strike fighter—EMD Navy	100,000,000
Depot maintenance (non-IF)	5,000,000
Research, Development, Test and Evaluation, Air Force:	
JSpoC modernization system	10,000,000
Classified programs	80,000,000
EW development (MALD–J II)	7,630,000
Common vertical lift support platform	5,365,000
Light attack armed reconnaissance	11,021,000
AWACS	10,000,000
B–2 squadrons	10,526,000
Specialized undergraduate pilot training	12,000,000
Minimum essential emergency communications network	2,918,000

The conference agreement retains a provision proposed by the Senate regarding the Global Security Contingency Fund. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the House which provides a

grant to the Fisher House Foundation, Inc. The Senate bill contained no similar provision.

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

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

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

The conference agreement retains a provision proposed by the House which provides funding to the United Service Organizations and the Red Cross. The Senate bill contained a similar provision but did not provide funding to the Red Cross.

The conference agreement retains a provision proposed by the Senate which prohibits funding from being used to transfer program authority relating to current tactical unmanned aerial vehicles from the Army. The House bill contained a similar provision.

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

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

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

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

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

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

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

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

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

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

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

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

The conference agreement retains a provision proposed by the Senate which requires certain certifications to be met prior to the transfer of detainees from Naval Station Guantanamo Bay, Cuba to foreign countries. The House bill contained a similar provision.

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

The conference agreement retains a provision proposed by the House which prohibits funds from being used to violate the Child Soldier Prevention Act of 2008. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to violate the War Powers Resolution. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which prohibits funds from being used to retire, divest, realign, or transfer Air Force aircraft, with certain exceptions. The Senate bill contained no similar language.

The conference agreement retains a provision proposed by the Senate expressing the sense of the Senate that the next available capital warship of the U.S. Navy be named the USS Ted Stevens. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits the retirement of the C–23 Sherpa aircraft. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding civilian pay. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to enter into a noncompetitive contract for UH–60 Leak Proof Drip Pans. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding the sharing of classified information related to missile defense systems with Russia. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funding from being used in contravention of section 41106 of title 49, U.S.C., regarding the Civil Reserve Air Fleet. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funding from being used in violation of Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which prohibits funding from being used to enter into contracts with entities that have been convicted of fraud. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House related to funding for Rosoboronexport. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funding from being used to implement enrollment fees for the TRICARE for Life program. The Senate bill contained no similar provision.

TITLE IX—OVERSEAS CONTINGENCY OPERATIONS

The conference agreement provides $86,954,838,000 in Title IX, Overseas Contingency Operations, instead of $87,105,081,000 as proposed by the House and $93,026,000,000 as proposed by the Senate.

REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense to continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution report as required by the Department of Defense Financial Management Regulation, Chapter 23, Volume 12. The conferees further direct the Department to continue providing Cost of War reports to the congressional defense committees that include the following information by appropriation account: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

The conferees expect that in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this title.

EXTREMIST ORGANIZATIONS

The conferees are aware that certain governments and organizations have policies and practices counter to the best interests of the United States. The conferees reiterate that extremist governments and organizations should not be funded by this Act and that the conferees will closely monitor the expenditure of funds by the Department of Defense regarding such matters.

MILITARY PERSONNEL

The conference agreement provides $14,116,821,000 for Military Personnel, instead of $13,934,683,000 as proposed by the House and $14,410,421,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 289 here EH06MR13.187

Insert offset folio 290 here EH06MR13.188

Insert offset folio 291 here EH06MR13.189

Insert offset folio 292 here EH06MR13.190

Insert offset folio 293 here EH06MR13.191

OPERATION AND MAINTENANCE

The conference agreement provides $62,131,012,000 for Operation and Maintenance, instead of $62,866,554,000 as proposed by the House and $65,479,099,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 295 here EH06MR13.192

Insert offset folio 296 here EH06MR13.193

Insert offset folio 297 here EH06MR13.194

Insert offset folio 298 here EH06MR13.195

Insert offset folio 299 here EH06MR13.196

PROCUREMENT

The conference agreement provides $8,979,438,000 for Procurement, instead of $7,906,039,000 as proposed by the House and $10,126,300,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 301 here EH06MR13.197

Insert offset folio 302 here EH06MR13.198

Insert offset folio 303 here EH06MR13.199

Insert offset folio 304 here EH06MR13.200

Insert offset folio 305 here EH06MR13.201

Insert offset folio 306 here EH06MR13.202

Insert offset folio 307 here EH06MR13.203

Insert offset folio 308 here EH06MR13.204

Insert offset folio 309 here EH06MR13.205

NATIONAL GUARD AND RESERVE EQUIPMENT

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

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

RESERVE COMPONENT SIMULATION TRAINING SYSTEMS

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

NATIONAL GUARD AND RESERVE EQUIPMENT RESEARCH AND DEVELOPMENT

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides $247,716,000 for Research, Development, Test and Evaluation, instead of $235,516,000 as proposed by the House and $260,413,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

Insert offset folio 314 here EH06MR13.206

REVOLVING AND MANAGEMENT FUNDS

The conference agreement provides $243,600,000 for the Defense Working Capital Funds, instead of $293,600,000 as proposed by the House and $1,467,864,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

		Budget request	Conference
	WORKING CAPITAL FUND, ARMY		
Army	PREPOSITIONED WAR RESERVE STOCKS.	42,600	42,600
	TOTAL, WORKING CAPITAL FUND, ARMY.	42,600	42,600
	WORKING CAPITAL FUND, AIR FORCE		
AF	C–17 CLS ENGINE REPAIR.	230,400	0
	Transfer to OM,AF line 021M.		−230,400
	TRANSPORTATION OF FALLEN HEROES.	10,000	10,000
	TOTAL, WORKING CAPITAL FUND, AIR FORCE.	240,400	10,000
	WORKING CAPITAL FUND, DEFENSE-WIDE		
DLA	DEFENSE LOGISTICS AGENCY.	220,364	191,000
	Excess growth in OEF disposition operations.		−18,364
	Excess growth in OEF consolidated shipping costs.		−2,000
	Excess growth in DLA distributions in Kuwait for OEF.		−9,000
	TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE.	220,364	191,000
	TOTAL, DEFENSE WORKING CAPITAL FUND.	503,364	243,600

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

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

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget request	Conference
OPERATION AND MAINTENANCE	993,898	993,898
IN-HOUSE CARE	483,326	483,326
PRIVATE SECTOR CARE	376,982	376,982
CONSOLIDATED HEALTH SUPPORT	111,675	111,675
INFORMATION MANAGEMENT	4,773	4,773
MANAGEMENT ACTIVITIES	660	660
EDUCATION AND TRAINING	15,370	15,370
BASE OPERATIONS AND COMMUNICATIONS	1,112	1,112

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $469,025,000 for Drug Interdiction and Counter-Drug Activities, Defense, as proposed by both the House and the Senate.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conference agreement provides $1,622,614,000 for the Joint Improvised Explosive Device Defeat Fund, all in title IX, instead of $217,414,000 in title VI and $1,614,900,000 in title IX as proposed by the House, and $1,514,114,000, all in title IX, as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

		Budget request	Conference
1	ATTACK THE NETWORK.	950,500	807,500
	Biometric ID—transfer to OM,A line 432.		−22,000
	Falcon—transfer to OM,A line 135.		−48,000
	Sand Dragon—excess prior year carryover funding.		−40,000
	TEDAC—excess prior year carryover funding.		−33,000
2	DEFEAT THE DEVICE	400,000	393,300
	ALARM excess to need.		−4,700
	3-Band Long Wave infrared camera ahead of need.		−2,000
3	TRAIN THE FORCE	149,500	119,000
	ISR emulation and trainer ahead of need.		−28,500
	Dismounted virtual simulators—undefined unit cost increase.		−2,000
4	STAFF AND INFRASTRUCTURE.	175,400	302,814
	Staff and infrastructure—transfer from title VI.		227,414
	Forward financed from prior years.		−100,000
	TOTAL, JOINT IED DEFEAT FUND.	1,675,400	1,622,614

The conference agreement provides funding for the Joint Improvised Explosive Device Defeat Fund in title IX as such requirements are considered to be war related.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $10,766,000 for the Office of the Inspector General, as proposed by both the House and the Senate.

GENERAL PROVISIONS—THIS TITLE

The conference agreement for title IX incorporates general provisions from the House and Senate versions of the bill which were not amended. Those general provisions that were addressed in conference are as follows:

The conference agreement modifies a provision proposed by the House and the Senate which provides general transfer authority not to exceed $3,500,000,000.

The conference agreement retains a provision proposed by the Senate regarding funding and guidelines for the Commander's Emergency Response Program. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate concerning funding and guidelines for the Task Force for Business and Stability Operations in Afghanistan. The House bill contained a similar provision.

The conference agreement modifies a provision proposed by the House concerning transition activities of the Office of Security Cooperation in Iraq and security assistance teams. The Senate bill contained a similar provision.

(RESCISSIONS)

The conference agreement modifies a provision proposed by the House and the Senate recommending rescissions. The provision provides for the rescission of $1,860,052,000 from the following programs:

2009 Appropriations:	
General Provisions:	
Retroactive stop loss special pay program	$127,200,000
2012 Appropriations:	
Afghanistan Security Forces Fund:	
Afghanistan Security Forces Fund	1,000,000,000
Other Procurement, Army:	
Gunshot detection system	10,100,000
Base support communications	5,000,000
Sense through the wall	10,000,000
Installation info infrastructure mod program	125,500,000
Knight family	42,000,000
Tactical bridging	15,000,000
Procurement of Ammunition, Navy and Marine Corps:	
60mm, all types	6,900,000
81mm, all types	22,276,000
Demolition munitions	3,000,000
Procurement, Marine Corps:	
Weapons under $5 million	2,776,000
Mine Resistant Ambush Protection Vehicle Fund:	
MRAP carryover	400,000,000
Research, Development, Test and Evaluation, Air Force:	
Endurance unmanned aerial vehicles—Blue Devil	50,000,000
Joint Improvised Explosive Device Defeat Fund:	
ALARM	19,300,000
Integrated supply chain	21,000,000

The conference agreement modifies a provision proposed by the House which makes Coalition Support Funds for Pakistan contingent on a certification by the Secretary of Defense, with concurrence from the Secretary of State, that certain conditions are met. The Senate bill contained no similar provision.

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Insert offset folio 329 here EH06MR13.215

Insert offset folio 330 here EH06MR13.216

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DIVISION B—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

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

Department of Defense and Veterans Affairs Joint Collaboration on Medical Facility Construction.—Having the Department of Defense (DOD) and Department of Veterans Affairs (VA) medical facility construction accounts in the same bill allows the Committees to review coordinated efforts and efficiencies within the two systems. An overarching concern of the conferees has been to facilitate the seamless transition from active duty service member to veteran, including the transition from DOD to VA medical facilities. The conferees are aware of multiple instances in which DOD and the VA have failed to coordinate medical facility construction efforts, in particular, where the VA is currently collocated with an existing DOD medical facility, but hospital replacement facilities are planned and budgeted in the military construction budget without coordination or consultation with the VA. Better coordination between the two Departments on construction activities, where appropriate, has the potential to save money by reducing duplicative construction costs, and provides a unique opportunity for creating more efficient use of medical equipment once the hospitals or outpatient clinics become operational. The conferees therefore direct the TRICARE Management Activity and the Veterans Health Administration to report to the congressional defense committees no later than 180 days after enactment of this Act on the current construction coordination between the two agencies. The report should include a comparison by fiscal year of the TRICARE Management Activity and the Veterans Health Administration's future year construction plans for new facilities that currently are collocated as well as any potential new collocation sites.

Hiring of veterans.—The conferees continue to be concerned about unemployment rates among the Nation's veterans, particularly for those who have recently left active duty. With impending force reductions, this problem is likely to worsen. The conferees urge the Department of Veterans Affairs (VA), as well as the Department of Defense and the domestic agencies funded in title III of this division, to redouble their efforts to hire returning veterans and to exceed where possible statutory requirements for veterans hiring preferences. In recognizing the skills and specialty certifications veterans have received through their military training, these agencies will gain a superior workforce and at the same time demonstrate the Government's appreciation for our veterans' service.

TITLE I

DEPARTMENT OF DEFENSE

ITEMS OF GENERAL INTEREST

Incrementally Funded Projects.—The conferees note that the Administration requested several large military construction projects that can be incrementally funded, but were instead submitted as large single-year requests, in accordance with a directive from the Office of Management and Budget to the Department of Defense to severely restrict the use of incremental funding for military construction. The Committees on Appropriations of both Houses of Congress have previously notified the Administration that they reserve the prerogative to provide incremental funding where appropriate, in accordance with authorizing legislation. In general, the conferees support full funding for military construction projects. In some cases, however, incremental funding makes fiscal and programmatic sense. The conference agreement therefore incrementally funds the following projects: Ambulatory Care Center Phase 3, Joint Base San Antonio, Texas; STRATCOM Replacement Facility, Increment 2, Offutt AFB, Nebraska; U.S. Military Academy Cadet Barracks, West Point, New York; and Aegis Ashore Missile Defense Complex, Deveselu, Romania.

MILITARY CONSTRUCTION, ARMY

The conference agreement appropriates $1,684,323,000 for Military Construction, Army. Within this amount, the agreement provides $80,173,000 for study, planning, design, architect and engineer services, and host nation support.

Arlington Cemetery.—The budget request proposed to fund Arlington National Cemetery through three accounts: $25,000,000 to be provided through Operation and Maintenance, Army, $103,000,000 to be provided through Military Construction, Army, and $45,800,000 to be provided through Cemeterial Expenses, Army for a total of $173,800,000. The conferees do not include the $103,000,000 requested in title I. The funds are instead provided in title III of Division J under Cemeterial Expenses, Army.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement appropriates $1,549,164,000 for Military Construction, Navy and Marine Corps. Within this amount, the agreement provides $102,619,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement appropriates $322,543,000 for Military Construction, Air Force. Within this amount, the agreement provides $18,635,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $3,582,423,000 for Military Construction, Defense-Wide. Within this amount, the agreement provides $315,562,000 for study, planning, design, architect and engineer services.

Energy Conservation Investment Program (ECIP).—The conference agreement provides $150,000,000 for ECIP. Additionally, the conference agreement provides $10,000,000 in dedicated funding for ECIP planning and design. The conferees strongly support the efforts of the Department of Defense to promote energy conservation, green building initiatives, energy security, and investment in renewable energy resources, and commend the leadership of the Department and the services for making energy efficiency a key component of construction on military installations. The conferees urge the Department to use the dedicated planning and design funds to invest in innovative renewable energy projects as well as projects that enhance energy security at military installations. The conferees also encourage the Department to request dedicated planning and design funding for ECIP in future budget submissions.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates $613,799,000 for Military Construction, Army National Guard. Within this amount, the agreement provides $26,622,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

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

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates $305,846,000 for Military Construction, Army Reserve. Within this amount, the agreement provides $15,951,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, NAVY RESERVE

The conference agreement appropriates $49,532,000 for Military Construction, Navy Reserve. Within this amount, the agreement provides $2,118,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates $10,979,000 for Military Construction, Air Force Reserve. Within this amount, the agreement provides $2,879,000 for study, planning, design, architect and engineer services.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement appropriates $254,163,000 for the North Atlantic Treaty Organization Security Investment Program.

FAMILY HOUSING CONSTRUCTION, ARMY

The conference agreement appropriates $4,641,000 for Family Housing Construction, Army.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement appropriates $530,051,000 for Family Housing Operation and Maintenance, Army.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement appropriates $102,182,000 for Family Housing Construction, Navy and Marine Corps.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement appropriates $378,230,000 for Family Housing Operation and Maintenance, Navy and Marine Corps.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

The conference agreement appropriates $83,824,000 for Family Housing Construction, Air Force.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement appropriates $497,829,000 for Family Housing Operation and Maintenance, Air Force.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

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

DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE FUND

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

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

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

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

The conference agreement appropriates $409,396,000 for the Department of Defense Base Closure Account 1990. This amount is $60,000,000 above the budget request to accelerate the pace of environmental cleanup at closed or realigned military installations. Based on requirements identified by the services, the conferees direct that, of the additional funding provided, $30,000,000 be made available for the Army, and $30,000,000 for the Navy. These funds are to be allocated at the discretion of the services to meet the most pressing unfunded environmental cleanup requirements at closed or realigned bases.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

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

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

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The conference agreement includes section 132 allowing the transfer of funds to the Secretary of the Navy from the Defense Family Housing Improvement Fund.

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Insert offset folio 346 here EH06MR13.222

Insert offset folio 347 here EH06MR13.223

Insert offset folio 348 here EH06MR13.224

Insert offset folio 349 here EH06MR13.225

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Insert offset folio 351 here EH06MR13.227

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TITLE II

DEPARTMENT OF VETERANS AFFAIRS

Budget justification requirements.—The conferees believe that the Department of Veterans Affairs (VA) must strengthen its presentation of budget justification materials in several areas. The conferees concur in the direction of the Senate regarding the budget detail for components of the Veterans Health Administration (VHA) such as the VHA central office, Veterans Integrated Service Network (VISN) staff offices and centralized field support offices. The conferees request VA to provide more detailed information about the Board of Veterans Appeals staffing and claims workloads, and require the data requested in the House report pertaining to full-time equivalents and funding within administrative line items. The conferees also require a breakout of all reimbursable or cost sharing arrangements exceeding $5,000,000 in value that are in place for cross-cutting efforts across the Department.

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(Including Transfer of Funds)

The conference agreement appropriates $60,599,855,000 for Compensation and Pensions. The agreement reflects new estimates provided in the Administration's mid-session review. Of the amount provided, not more than $9,204,000 is to be transferred to General Operating Expenses, Veterans Benefits Administration and Information Technology Systems, for reimbursement of necessary expenses in implementing provisions of title 38.

READJUSTMENT BENEFITS

The conference agreement appropriates $12,023,458,000 for Readjustment Benefits. The agreement reflects new estimates provided in the Administration's mid-session review. The agreement provides full funding for the Veterans Retraining Assistance Program (VRAP), for which the Department of Veterans Affairs (VA) estimates it will obligate more than $1,100,000,000 in fiscal year 2013.

VETERANS INSURANCE AND INDEMNITIES

The conference agreement appropriates $104,600,000 for Veterans Insurance and Indemnities.

VETERANS HOUSING BENEFIT PROGRAM FUND

The conference agreement appropriates such sums as may be necessary for costs associated with direct and guaranteed loans for the Veterans Housing Benefit Program Fund. The agreement limits obligations for direct loans to not more than $500,000 and provides that $157,814,000 shall be available for administrative expenses.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

The conference agreement appropriates $19,000 for the cost of direct loans from the Vocational Rehabilitation Loans Program Account, plus $346,000 to be paid to the appropriation for General Operating Expenses, Veterans Benefits Administration. The agreement provides for a direct loan limitation of $2,729,000.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

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

VETERANS HEALTH ADMINISTRATION

AREAS OF INTEREST

Advance appropriation budgeting.—The conferees believe the Department must provide more detailed explanations within its budget justification so the Committees on Appropriations of the House of Representatives and the Senate (''Committees'') will have an accurate and complete view of how its advance funding requests were determined. The conferees concur in the data requirements for advance funding described in the Senate report.

Reprogramming for medical care initiatives.—The conference agreement includes an administrative provision requiring the Department to submit a reprogramming request whenever funding allocated in the fiscal year 2013 expenditure plan for a medical care initiative differs by more than $25,000,000 from the allocation shown in the 2013 congressional budget justification. Due to the nature of advance appropriations, the Department submits its budget request almost seven full fiscal year quarters before the funding becomes available for obligation. The conferees understand that medical care funding is dynamic in nature and that this length of time between budget submission and obligation creates a situation in which funding priorities and needs may change. However, the conferees believe this has limited the Committees' ability to provide proper budget oversight of initiatives which are budgeted outside of the actuarial model. Therefore, the conferees expect the submission of reprogramming requests throughout the year identifying current year estimates whenever the Department intends to make significant funding shifts within these initiatives. The term ''medical care initiative'' in the bill language refers only to the initiatives, not legislative proposals, in the ''Initiatives/Legislative Proposals'' section of the VA Medical Care Obligations by Program display on page 1A -5 of Volume 2 of the fiscal year 2013 budget justification. The bill language does not refer to special purpose funds allocated outside the Veterans Equitable Resource Allocation model. The Committees request that reprogrammings be identified only in the aggregate and not by specific project or location.

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

MEDICAL SERVICES

The conference agreement appropriates $43,557,000,000 in advance for fiscal year 2014 for Medical Services. The agreement also provides $155,000,000 for fiscal year 2013 in addition to the advance appropriation provided last year. The conference report includes bill language citing new authority for services for those affected by drinking water contamination at Camp Lejeune, NC. Additional fiscal year 2013 funding is provided for hiring mental health providers and offsetting a projected decline in revenues.

The conference agreement provides $1,351,851,000 in fiscal year 2014 to fully implement VA homeless assistance programs, including the providers grant and per diem, domiciliary care for homeless veterans, and the HUD-VA supported housing program. In addition, the agreement provides $4,816,132,000 for homeless veteran treatment costs in fiscal year 2014.

The conference agreement provides the full fiscal year 2014 request of $6,453,027,000 for mental health programs, including $443,332,000 for post-traumatic stress disorder (PTSD), $246,400,000 for traumatic brain injury, and $75,605,000 for suicide prevention.

The conferees support the VA effort to hire an additional 1,600 mental health clinicians and 300 support staff as part of an ongoing review of mental health operations. The conferees direct the VA to provide the Committees, no later than 60 days after enactment of this Act, a detailed staffing plan and timeline to add these additional personnel.

The conference agreement provides $250,000,000 for the Office of Rural Health. The conferees acknowledge that the VA is making substantial efforts to improve access and quality of care for rural areas, but are concerned that significant gaps remain. To address the ongoing challenges in recruiting and retaining highly qualified healthcare professionals in rural areas, the conferees urge the VA to consider innovative ways to rotate practitioners through rural areas, including the approaches suggested in the Senate report. Secondly, the conferees urge the VA to move expeditiously in its implementation of the grant program that will allow veterans service organizations to provide better transportation options for rural veterans seeking care at VA facilities. Finally, the conferees urge the VA to thoroughly test the approach for providing non-VA care in rural facilities that is being demonstrated in the Access Received Closer to Home program (Project ARCH) and consider expanding Project ARCH's reach.

The conferees concur with the direction of the House regarding an annual report detailing the distribution of medical services funding among the VISNs, central headquarters, and medical centers.

The conferees understand that the time period for the Office of Management and Budget's (OMB) review of the regulation establishing VA participation in State prescription drug monitoring boards has expired. The conferees urge OMB to facilitate publication of the regulation so that the program may be implemented before the end of the calendar year.

The conferees urge the VA to work in conjunction with the Department of Justice's veterans treatment courts program to provide collaborative, rehabilitative approaches for continuing judicial supervision over offenders who are veterans.

MEDICAL SUPPORT AND COMPLIANCE

The conference agreement appropriates $6,033,000,000 in advance for fiscal year 2014 for Medical Support and Compliance.

MEDICAL FACILITIES

The conference agreement appropriates $4,872,000,000 in advance for fiscal year 2014 for Medical Facilities.

In March of 2012, the Committees were notified that contracting errors were made in the Solicitation for Offers to build the Community Based Outpatient Clinics (CBOCs) in Southwest Louisiana. These errors have resulted in delays in the opening of the Lake Charles CBOC and the expansion of the Lafayette CBOC. The conferees direct the Department to continue to provide the Committees regular updates on the progress being made to correct the errors and to complete these CBOCs in an expeditious manner.

MEDICAL AND PROSTHETIC RESEARCH

The conference agreement appropriates $582,674,000 for Medical and Prosthetic Research.

NATIONAL CEMETERY ADMINISTRATION

The conference agreement appropriates $258,284,000 for the National Cemetery Administration (NCA). Of the amount provided, $25,828,000 is available until September 30, 2014.

The conferees are concerned that the NCA is not adequately serving the Nation's veterans in rural areas. While the strategy to serve rural veterans outlined in the fiscal year 2013 budget request is a partial step, it fails to offer a long-term strategy for addressing this underserved veteran population. The conferees are concerned that the NCA places undue emphasis on major urban

areas whereas the NCA's effort toward rural areas appears to be a lower priority. As a result, the conference agreement includes bill language requiring the Secretary to provide a report to the Committees within 180 days of enactment of this Act outlining a strategy to address the shortcomings identified in House Report 112–491, with proposed policies and an implementation timeframe. In addition, the conference agreement requires the Government Accountability Office to conduct a review of this strategy and submit it to the Committees not later than 180 days after the Committees receive the strategy.

The conference agreement includes bill language directing the Secretary to issue guidelines on committal services at VA national cemeteries to ensure that veterans' families may hold committal services with any religious or secular content they desire and invite the participation of an honor guard and veterans service organizations, subject to VA security, safety, and law enforcement regulations. The agreement also restricts VA from editing or controlling the content of speeches at events at national cemeteries, subject to VA authorities provided in section 2413 of title 38, United States Code.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $424,737,000 for General Administration. Of the amount provided, $20,837,000 is available for obligation until September 30, 2014. The conference agreement includes bill language permitting the transfer of funds from this account to ''General Operating Expenses, Veterans Benefits Administration.''

The conference agreement includes bill language designating that not less than $86,006,000 is provided for the Board of Veterans Appeals. The conferees direct the Department to provide to the Committees within 30 days of enactment of this Act a fiscal year 2013 staffing plan and detailed strategic plan to address wait time and backlogs at the Board of Veterans Appeals.

The conference agreement includes bill language indicating that such sums as may be necessary are provided so that the Department may comply with the energy management requirements under the National Energy Conservation Policy Act.

The conference agreement includes the following funding levels:

(In thousands of dollars)

	Conference
Office of the Secretary	10,085
Board of Veterans Appeals	86,006
Office of General Counsel	83,099
Office of Management	45,598
Office of Human Resources	70,379
Office of Policy and Planning	26,015
Office of Operations, Security and Preparedness	18,510
Office of Public and Intergovernmental Affairs	23,037
Office of Congressional Affairs and Legislative Affairs	6,302
Office of Acquisition, Logistics and Construction	55,706
Total	424,737

The conferees concur with the House language for the Major Construction account regarding a report on the contract audit program for construction projects and the periodic reporting done by building contractors and intend that the report be provided by the VA central office. The conferees also concur with the Senate language for the General Administration account requesting a report outlining processes that are in place to ensure proper oversight of construction, including which components of central oversight are performed outside of the various VA administrations and whether spot audits are performed in the field.

The conferees concur with House language regarding the VA budget office being the primary communication source within the VA to the Committees and their Members.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

The conference agreement appropriates $2,164,074,000 for General Operating Expenses, Veterans Benefits Administration. The agreement makes available not to exceed $113,000,000 of this funding until the end of fiscal year 2014.

The lengthy wait time and persistent backlog of claims at the Veterans Benefits Administration (VBA) continue to impose an unacceptable burden on disabled veterans. The conferees understand that the Department has set 2015 as the date by which it plans to achieve a significant reduction in the backlog of claims and to increase the accuracy rate at all regional offices to 98 percent. The conferees concur with direction and reporting requirements in the Senate report and direct the Department to submit one report 90 days after enactment of this Act containing: (1) the metrics developed for evaluating the success in reducing the backlog of claims and the average adjudication time by utilizing external vendors in specific areas of collecting claims materials; (2) the wait times, accuracy rates, and backlog of disability claims decisions at all 57 regional offices; (3) how the quality-review teams and the quality initiatives at each regional office have affected the performance, wait times, and rates at each location; and (4) the specific metrics the VBA uses in determining personnel performance.

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

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

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $3,327,444,000 for Information Technology (IT) Systems. The agreement identifies separately in bill language the funding available for pay ($1,021,000,000); operations and maintenance ($1,812,045,000); and systems development, modernization, and enhancement ($494,399,000). The agreement makes $30,630,000 of pay funding available until the end of fiscal year 2014; $126,000,000 of operations and maintenance funding available until the end of fiscal year 2014; and all IT systems development, modernization and enhancement funding available until the end of fiscal year 2014.

The conference agreement includes bill language prohibiting the obligation of IT development, modernization, and enhancement funding until the VA submits a certification of the amounts to be obligated, in part or in full, for each development project.

The conference agreement includes bill language permitting funding made available for the three IT subaccounts to be transferred among them after the VA requests and receives approval from the Committees.

The conference agreement includes bill language providing that funding may be transferred between development projects or to new projects subject to the Committees' approval.

The conference agreement includes bill language restricting the amount of funding that may be obligated to develop the integrated Department of Defense/Department of Veterans Affairs (DOD-VA) integrated electronic health record (iEHR) to 25 percent of the funding provided until the DOD-VA Interagency Program Office (IPO) provides the Committees an expenditure plan including elements such as a long-term roadmap for the life of the project, with annual and total spending for each Department and quarterly milestones. The expenditure plan should also be submitted to the Government Accountability Office (GAO) for review. The Department of Defense Appropriations Act has comparable bill language.

The conferees are concerned that after four years of working to establish a joint framework to collaborate and develop an integrated electronic health record, the two Departments still seem to be operating as separate entities. The conferees support the creation of the IPO and recognize this office as the single point of accountability for the development and implementation of the integrated electronic health record for both Departments. Unfortunately, since the creation of the IPO and the naming of a director, the conferees have seen little benefit from establishing this office, since both Departments still appear to operate as separate entities. Despite repeated inquiries, neither of the Departments nor the IPO has been able to provide Congress with a firm total cost of the integrated system. The conferees are concerned that the IPO is unable to maintain focus on its defined goals, provide effective governance, manage and maintain accountability on behalf of both Departments, and provide Congress with detailed expenditure plans as well as information regarding progress and future plans for this project.

As a result, the conferees direct the IPO to deliver to the congressional defense committees, the Senate and House Subcommittees on Appropriations for Military Construction, Veterans Affairs, and Related Agencies, and to the GAO a quarterly report that includes a detailed, plain English narrative explanation of the cost and schedule of the iEHR development, to include milestones, knowledge points, and acquisition timelines as it impacts both Departments, as well as quarterly obligation reports. The conferees also direct the IPO to continue briefing the Committees on a quarterly basis. The conferees further direct the GAO to review these quarterly reports and provide an annual report to the congressional defense committees and the Senate and House Subcommittees on Appropriations for Military Construction, Veterans Affairs, and Related Agencies on the cost and schedule of the iEHR.

As part of the VA's modernization effort, the Department plans to replace its current automated appointment scheduling system with a modern application. The conferees support this effort, however, remain concerned that the VA has not developed a clear

strategy aimed at replacing this system. Therefore the conferees direct the Department to submit a report to the Committees detailing the timeline, cost estimate, and implementation strategy for replacing the scheduling system.

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

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The conferees intend this table to serve as the Department's approved list of development projects; any requested changes are subject to reprogramming guidelines.

The conference agreement directs the Department to submit an expenditure plan to the Committees within 30 days of enactment of this Act. This plan should be in the same format as the table above.

OFFICE OF INSPECTOR GENERAL

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

CONSTRUCTION, MAJOR PROJECTS

The conference agreement appropriates $532,470,000 for Construction, Major Projects. The agreement makes this funding available for five years, except that $30,000,000 is made available until expended.

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

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

Project	Conference agreement
Veterans Health Admin (VHA):	
St. Louis, MO medical facility improvements	$130,300,000
Palo Alto, CA polytrauma/ambulatory care building	177,823,000
Seattle, WA mental health building	55,000,000
Dallas, TX spinal cord injury building	33,500,000
Advance Planning Fund	70,000,000
Asbestos	8,000,000
Major Construction Staff	24,000,000
Claims Analysis	2,000,000
Facility Security	7,200,000
Hazardous Waste	5,000,000
Judgment Fund	5,000,000
Total VHA	517,823,000
National Cemetery Admin (NCA):	
Advance Planning Fund	2,647,000
NCA Land Acquisition Fund	7,000,000
Total NCA	9,647,000
General Admin staff offices advance planning fund	5,000,000
Major construction total	532,470,000

The conferees direct the VA to submit a master plan at the time of the budget submission describing each major construction project included in the budget. The plan should include the projected timeline for completion of each component of each of the projects and the annual and total cost of each project. The format of the DOD Form 1391 is a good model for the VA to use to describe clearly and completely the expected obligations for each project.

CONSTRUCTION, MINOR PROJECTS

The conference agreement appropriates $607,530,000 for Construction, Minor Projects. The agreement makes this funding available for five years. The agreement provides $506,332,000 for the Veterans Health Administration; $58,100,000 for the National Cemetery Administration; $13,405,000 for the General Administration—Staff Offices; and $29,693,000 for the Veterans Benefits Administration.

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

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

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

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

The conference agreement includes section 213 allowing for the use of enhanced-use leasing revenues for Construction, Major Projects and Construction, Minor Projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The conference agreement includes section 232 clarifying that Medical Services funds appropriated in advance for fiscal year 2013 may be used for newly authorized services for those affected by drinking water contamination at Camp Lejeune, NC.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $62,929,000 for Salaries and Expenses of the American Battle Monuments Commission. The conference agreement provides an additional $4,529,000 above the budget request to be used for additional engineering and maintenance projects and interpretive activities.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

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

Pro Bono Program.—The conferees direct that the Veterans Consortium Pro Bono program provide an annual report to the Committees that includes the expenditure plan for funds provided by this agreement not later than 60 days after the enactment of this Act.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

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

CONSTRUCTION

The conference agreement provides $103,000,000 for construction and language has been included to make these funds available until September 30, 2017. The budget request proposed to fund these projects through Military Construction, Army.

ARMED FORCES RETIREMENT HOME

TRUST FUND

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

ADMINISTRATIVE PROVISION

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

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

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

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

ADMINISTRATIVE PROVISION

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes section 401 rescinding unobligated balances from section 2005 in title X, of Public Law 112–10 and division H in title IV, of Public Law 112–74 in the specific amount of $150,768,000.

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TITLE V

GENERAL PROVISIONS

The conference agreement includes section 501 prohibiting the obligation of funds in this Act beyond the current fiscal year unless expressly so provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The conference agreement includes section 517 prohibiting the use of funds to pay for attendance of more than 50 employees at any single conference outside the United States.

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DIVISION C—FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2013

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

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

Commerce, Justice, Science, and Related Agencies Appropriations Act,

Energy and Water Development and Related Agencies Appropriations Act,

Financial Services and General Government Appropriations Act,

Department of Homeland Security Appropriations Act,

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

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

Legislative Branch Appropriations Act,

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

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

DIVISION D—ACROSS-THE-BOARD REDUCTIONS

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

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

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

The Chair recognizes the gentleman from Kentucky.

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

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

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

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

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

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

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

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

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

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

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

In addition, the bill provides $71.9 billion in discretionary funding for military construction and veterans affairs to ensure that our veterans get the care they have earned and that the quality of life in our military is continued. This includes an increase of about $2.5 billion in veterans funding, offset by savings in military construction.

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

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

Nearly all of the funding in this bill is subject to the President's sequestration, bringing the grand total for discretionary spending to around $984 billion. The bill is designed to help with the damage caused by continually putting off the regular annual appropriations bills, but it does not solve the many serious problems caused by these automatic spending cuts in sequestration.

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

□ 1210

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

We must act now to make the most of this difficult situation, and that starts with avoiding a government shutdown on March 27 and providing for our national defense and veterans.

This CR package is the right thing to do, the right time to do it, and it is the fair thing.

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

I reserve the balance of my time.

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

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

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

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

The bill underfunds Head Start, child care, essential for many working parents who would otherwise have to quit their jobs.

The bill fails to strike outdated language allowing HUD to use public housing agency reserves to fund operations or provide a requested increase to make up for the shortfall resulting in the lowest per-unit operating subsidy since 2007, despite rising housing costs.

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

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

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

Last year, our fragile economy struggled to create a total of 2.2 million jobs. CBO says sequestration will wipe out, get rid of, 750,000 jobs, more than a third of all the jobs created last year.

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

Yesterday, the Labor-HHS Subcommittee, heard testimony from the directors of the National Institutes of Health and CDC on the detrimental effects these irresponsible cuts will have, including declining medical research, fewer child vaccinations, and reduced protections against epidemics. Just try and explain that to dear friends and neighbors who have children with autism, seniors who are dealing with Alzheimer's, friends who have heart cardiology issues. Just try and explain what the National Institute cuts in research will do. In addition to the impact in the research on these illnesses, these are real people who are going to be laid off and impede our future research.

All Americans rely on timely and accurate weather warnings and forecasts from the National Weather Service. Reduced resources will compromise critical satellites, radar, computer analysis, and modeling.

Now, I am pleased that two bills, the defense bill and the Military Construction-Veterans Affairs bill, are the FY 2013 bills that were agreed on by the House and the Senate. But, my colleagues, let's not forget that sequestration will still strike our national defense.

Even if this bill is enacted, another $46 billion will be subtracted from defense spending. Most of the civilian workforce will face significant furloughs, readiness will still face cuts, and defense health care will need to make some very tough choices with scarce resources.

Mr. Speaker, I cannot support this bill because it fails to take responsible steps to support the middle class in really tough economic times or responsibly address the long-term fiscal health of our Nation.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the very distinguished and hardworking chairman of the House Armed Services Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. I thank the chairman of the Appropriations Committee for yielding, and thank him for the great work that he has done on getting this bill to the floor; likewise, the chairman of the Defense Appropriations Subcommittee. They have done yeoman's work to help provide for our national defense.

Mr. Speaker, I agree with much of what my good friend, the gentlelady from New York, said: Sequestration is bad. And if we don't pass the CR, we will feel worse than the effects of the sequestration. We will shut down the whole government. Nobody wants to see that, and so I commend her for what she said.

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

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

Enacting a full-year DOD appropriations bill is the first step toward restoring funding for our military, which has been whipsawed by the dual combination of the sequester and the CR that we are operating under. None of our currently serving service Chiefs—the Chief of the Army, Navy, Air Force, and Marines, including the Chief of all of the services—in their time have ever operated under a real budget. Most of the Members of Congress haven't served under regular order in seeing how we have really done. So this is a step forward to get us back to regular order.

□ 1220

A full year appropriation will allow the service chiefs to cancel programs that we've already canceled in the Defense Authorization Act. It allows them to restore critical shortfalls in their operation and maintenance accounts and add back a certain amount of training and flying hours.

This legislation does not by any means solve sequestration, but it gives our commanders some much needed flexibility and gives us time to work on a House budget that restores funding for our military.

Let me give you just a couple of quick examples of why we need to pass this package and encourage the other body to return to regular order: a straight CR stovepipes funding in certain accounts.

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

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to other Members in the second person.

Mrs. LOWEY. At this time, I'm delighted to yield 2 minutes to my distinguished leader from Maryland (Mr. HOYER).

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

Mr. HOYER. I agree with the gentlelady who has just spoken, but I want to say to my friend, Mr. MCKEON, this is neither regular order nor rational policy. It ought to be rejected.

This CR does nothing to address the irrational cuts to defense and nondefense that the sequester will require.

It could be very harmful to our economy and to our national security, and it could place the most vulnerable in America at great risk.

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

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

Nobody expected sequester to take place, and we ought to obviate it because it will hurt defense, our national security and our domestic security.

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

While the Defense funding in this package is something I would like to vote for and the procedures incorporated in the bill I would like to vote for—let me say as an aside, that is regular order. When we usually pass CRs, we do it for House-passed bill levels, Senate-passed bill levels, conference levels, but not at a level a year ago. The reason they've amended Defense, Veterans and MILCON is because it is irrational, and they recognize its irrationality as it relates to national security. You ought to recognize the irrationality for the rest of the budget.

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

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

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

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

I represent 62,000 Federal employees. I do not want this government to shut down. That is a more irrational policy than even sequester.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1230

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

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

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

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

Mrs. LOWEY. I would just like to quickly remind my colleagues on both sides of the aisle that the Defense bill will be subject to the $46 billion as a result of sequestration, which General Odierno said will hollow out the force.

Mr. Speaker, I am very honored to yield 2 minutes to my colleague, the

gentleman from North Carolina, Mr. DAVID PRICE, a distinguished ranking member of the Appropriations Committee.

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

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

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

Just yesterday, members of the Military Construction and Veterans' Affairs Subcommittee heard testimony from senior officers of each service about the impact of sequestration on their operations. Their message was: don't be fooled. We may be giving them marginally greater flexibility by including the full-year 2013 bills for defense and veterans in this continuing resolution, but we are not sparing them from the sledgehammer of sequestration.

This approach also begs the question: Why not pass full-year bills for all departments? The Homeland Security Subcommittee produced a compromise full-year bill that could easily have been included in this measure. Stopgap funding measures only perpetuate economic uncertainty and only prevent us from getting to the heart of our fiscal challenges.

Mr. Speaker, we owe this body a better appropriations process, and we owe our people a budget that accelerates the recovery and protects our economic future instead of simply serving a rigid political ideology.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield now 3 minutes to the vice chairman of the House Armed Services Committee, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the chairman for yielding.

Mr. Speaker, I've got to observe that I wish that all of the Members on both sides of the aisle who decry sequestration today had voted with those of us who passed bills twice last year to target cuts rather than having this across-the-board approach. This bill, like sequestration, is not what any of us would like. If it were up to me, for example, I would replace the money that it takes out of Defense and probably rearrange a lot of the domestic spending as well. Imperfect as this measure is, I believe it is absolutely essential that we pass it today. I want to focus for just a second on Defense.

Even if you spend the same amount of money on a continuing resolution or on an appropriation bill, it makes an enormous amount of difference which of those vehicles one uses because, in a regular appropriation bill, you can have the flexibility to meet the current needs. With a CR, you are locked into last year's levels, and that breeds inefficiencies and waste. So just to get the same amount of equipment, for example, it takes more money under a CR than it does under a regular appropriation bill.

You just had the question posed: Why do this just for Defense? Why treat Defense differently and have a full appropriation bill for Defense and MILCON and Veterans and not the rest of it? Let me offer some answers:

Number one is because we can. Both the House and Senate appropriators have negotiated a Defense appropriation bill. It is there for us to take and include in this measure, so Chairman ROGERS has picked it up and included it in this CR.

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

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

I'll tell you a fourth reason to treat Defense differently is that defense is the first job of the Federal Government. We send our soldiers and intelligence community personnel to all parts of the world to risk their lives to defend us, and it seems to me that the least we could do is give them the flexibility and support they need to do their jobs.

Therefore, I think it is absolutely essential for the country's defense that we pass this appropriation bill, and I urge all Members on both sides of the aisle to support it.

Mrs. LOWEY. Mr. Speaker, may I ask how much time remains.

The SPEAKER pro tempore. The gentlewoman from New York has 17 minutes. The gentleman from Kentucky has 12½ minutes.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished ranking member, the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. I thank the ranking member.

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

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

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

Had we had a full omnibus bill—and I think, with a little bit of work, we could have had such a bill—we could have helped address many of these concerns.

□ 1240

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

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

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

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

I yield to the chairman.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding and would confirm that the gentleman is correct. The prohibition in the NDAA is law, and nothing in this bill or report overrides or changes that fact. The language in our report was conferenced last year when the outcome of MEADS

in the NDAA was not known. Chairman YOUNG works closely with the Armed Services Committee, and it is not our intention to change or override any provision of that bill. The prohibition in the bill is the law.

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

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

Ms. KAPTUR. I thank Ranking Member LOWEY.

Mr. Speaker, I rise to express my appreciation that we are considering this continuing resolution today and not on the precipice of another government shutdown. Chairman ROGERS and Ranking Member LOWEY have been tireless in their efforts to bring a semblance of regular order to the appropriations process and, in turn, this House.

However, I must express my disappointment that we are not advancing a government-wide, fully inclusive bill with adjustments that address the pressing needs of the American people across all Federal departments and agencies. Despite my appreciation for consideration of this bill, by being unable and unwilling to pass all our individually negotiated appropriation bills, the Congress is doing a great disservice to the American people and not providing the firm guidance necessary for Federal programs to operate effectively.

As ranking member of the Energy and Water Subcommittee, I would like to express my disappointment further that necessary adjustments to two-thirds of our jurisdiction are not included. For example, important areas of cybersecurity, as well as reducing the local cost share for the Army Corps projects related to the revitalization after Hurricane Sandy, are missing.

Further, adjustments to the Weatherization Assistance Program are not included. This vital program is facing significant funding challenges given many States are either out of Federal funds entirely or will be out of all Federal funds. In order for the program to continue to deliver services as blizzards blanket this country, and for low-income Americans to continue to receive the energy savings from this program for their homes, an increase in program support is necessary and would be a real job creator across this country.

Further, the bill does not include the administration's request to increase funding for the Advanced Manufacturing program for our Nation to meet the fierce global competition for manufacturing jobs. The United States must regain its position in global manufacturing. We cannot prosper as a Nation of service providers only.

I would like to highlight the National Nuclear Security Administration as an example of where a CR does not provide the necessary oversight for good government.

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

Mrs. LOWEY. I yield an additional 15 seconds to the gentlewoman.

Ms. KAPTUR. I thank the gentlelady.

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

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

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

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

Mr. ISSA. Mr. Chairman, it is my understanding that the Office of Management and Budget submitted a list of proposed anomalies for the pending continuing resolution. Is that correct, and can you tell me the date that the Office of Management and Budget transmitted that list?

Mr. ROGERS of Kentucky. The gentleman is correct. OMB did submit a list of proposed anomalies on February 18.

Mr. ISSA. Thank you, Mr. Chairman.

Can you also tell me if that proposed list of anomalies included any changes to the provisions in current law regarding what is commonly called 6-day delivery and requires a level of service by the Postal Service at the 1983 level?

Mr. ROGERS of Kentucky. OMB did not propose any change to the provisions in current law regarding 6-day mail delivery.

Mr. ISSA. I thank the gentleman.

Mrs. LOWEY. Mr. Speaker, I'm delighted to yield 2 minutes to my friend, the gentlewoman from Connecticut (Ms. DELAURO), the distinguished ranking member of the Labor, Health, Human Services, Education Subcommittee.

Ms. DELAURO. I rise in strong opposition to this continuing resolution. It makes permanent, deep, indiscriminate, and harmful across-the-board cuts—cuts that will cost our country hundreds of thousands of jobs, and will hamstring our economic recovery. It will cost 750,000 jobs, according to the Congressional Budget Office and Federal Reserve Chairman Ben Bernanke.

If you vote ''yes'':

You vote for $400 million in cuts to Head Start—70,000 children will lose access;

You vote to slash $282 million from job training programs;

You vote to cut $731 million from Title I grants—that means 2,500 schools will be forced to stop providing this crucial aid to 1 million children;

You are voting to cut over $580 million from special education grants—that shifts the cost of 300,000 students with special needs to State and local education agencies;

You vote to cut $115 million from child care at a time when only one in six of the children eligible for child care assistance are receiving it—30,000 more kids will lose this aid;

You vote to starve implementation of the Affordable Care Act at a time when the health reforms we passed are being implemented;

You vote to cut funding for vaccinations and cancer screenings.

These cuts only add to the deep cuts that have already been made: $12 billion since 2002 have been made to labor, education, and health programs, in addition to which the Budget Control Act added another $9 billion, and this resolution will add $7 billion more in cuts to what are critical priorities for this Nation.

We cannot shortchange all of these fundamental priorities. It is time for this institution to exercise its moral responsibility. Use our budget as a vehicle for job creation and economic growth. I urge my colleagues to oppose this dangerous resolution.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA), the chairman of the House Oversight and Government Reform Committee.

Mr. ISSA. Mr. Speaker, on February 6, the Postal Service announced a plan to move to a modified 6-day delivery schedule beginning in August. Under this plan, the Postal Service will continue high-quality delivery 6 days a week using its express and priority mail system. This will include packages and mail under that system, and will include vital medicine for our seniors. This change will enable the Postal Service to save $2 billion a year or more.

As the chairman of the authorizing committee, I want to clarify that the authorizing language is consistent with a 6-day delivery provision in the CR under this system announced by the Postmaster on February 6.

□ 1250

Specifically, this provision would not prohibit the Postal Service from implementing this plan of modified 6-day delivery service.

I want to confirm further that the President, himself, had previously called for 5-day delivery. The Postmaster is maintaining 6-day delivery, but using priority and express mail to do so. This is fiscally responsible and consistent with the administration not putting an anomaly into the CR.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California (Mr. FARR), the distinguished ranking member of the Agriculture Subcommittee of Appropriations.

Mr. FARR. I thank the gentlewoman for yielding.

I've been in Congress 20 years, and on the Appropriations Committee not quite that long. And never in my life have I seen us in such disarray.

This institution has failed to lead the Nation. It's failed to get its own act together. We can't do this in a transparent, normal process by adopting bills. We're operating on these emergency issues like continuing resolutions, sequestration.

We've got the Nation totally confused, the entire administration of government in the United States confused as to what tomorrow's going to bring. We don't know whether we're going to have enough money, or we're going to give you back some money. Are you going to lay off people? Are you going to cut their salaries?

We're in mass confusion, and our States and local governments are dependent on us getting our act together. I'm really surprised that we are failing to address the needs of this Nation.

Yes, we have a huge debt. Everybody in this Congress has a huge debt in their own life. It's called a mortgage. And we figure out a 30-year plan or a 15-year plan to pay it off.

Doing this by CR is totally irresponsible. I ask for a ''no'' vote.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Georgia (Mr. BISHOP), the distinguished ranking member of the MILCON Subcommittee of Appropriations.

Mr. BISHOP of Georgia. I thank the gentlelady for yielding.

Mr. Speaker, today this body is voting on two updated bills that reflect the needs of FY 2013 and 10 outdated plans with outdated spending levels that were enacted over a year ago.

Mr. Speaker, we need to complete the process on all the bills, not just two. Governing by continuing resolution is not governing.

Furthermore, the legislation before us today does nothing to address sequestration. The failure to address sequestration will be devastating on military construction. For example, the Army's Barracks Modernization efforts will be delayed. For the Navy, sequestration will affect 10,000 Navy-owned and 3,000 leased homes by delaying housing construction and improvements.

The Air Force has made it a goal to eliminate inadequate housing for unaccompanied airmen by 2017, and sequestration will delay that goal and cause airmen to continue to live in substandard housing.

The most troubling aspect of sequestration to me is the impact it will have on the Department of Defense's school recapitalization efforts. A comprehensive assessment of DOD dependent schools and construction requirements indicated that 149 out of 189 schools had an overall condition rating of poor or failing, and required significant recapitalization. Sequestration will only exacerbate this problem.

These reductions to military construction will only result in substandard facilities for our servicemembers and job losses in the construction industry and slowed economic growth.

I remain hopeful that a balanced solution will win over rigid, ideological discussions in the coming weeks so that we can restore the irresponsible cuts.

Sequestration is bad. This CR does not address it, not even to mention the nondefense related cuts. This is bad for Head Start, job training, title I, special ed, child care, cancer screening, the loss of WIC, and I could go on and on.

This CR is not the way to govern. However, we need to come together across partisan lines, and we need to find middle ground so that we can do what is needed for the American people.

Mr. ROGERS of Kentucky. Mr. Speaker, may I inquire of the time?

The SPEAKER pro tempore. The gentleman from Kentucky has 9½ minutes, and the gentlewoman from New York has 8¼ minutes.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the distinguished vice chairman of the Defense Subcommittee on Appropriations.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I rise in support of the resolution and urge its adoption.

I would like to commend the chairman of the full Appropriations Committee, Mr. ROGERS, and the chairman of the Defense Subcommittee, Mr. YOUNG, for their determination and perseverance in bringing the completed Defense and Military Construction/VA bills to the floor for our consideration this afternoon and this morning.

Since before the end of last fiscal year, they have been committed to completing the fiscal year 2013 bills in committee and to bringing them to the floor and on to the President's desk for his signature.

Why?

Because they understand the damage that would be done to our national security if the Department of Defense was forced to operate under the funding levels and restrictions placed on them by the fiscal year 2012 bill.

By passing this package today, we'll be giving our military leadership additional flexibility to protect their mission and capabilities in this constrained fiscal environment.

I would also add that the passage of these measures today reinforces Congress' authority to set policy for the Department of Defense in important areas such as the Air Force realignment, the retirement of Navy ships, etc. And also it makes sure that we don't cede these sort of decisions only to the executive branch.

I'm pleased that the package also allows additional funds for nuclear weapons modernization, to ensure the safety, security, and reliability of our Nation's nuclear stockpile. This is an important aspect of our energy and water appropriations bill.

Finally, I'd remind our colleagues that this legislative package does nothing to alter the sequestration that took effect last Friday. Simply put, that is a problem, a major problem.

Five members of the Joint Chiefs of Staff presented their chilling testimony before our subcommittee last week, as the chairman referred to earlier, describing how national security would be put at risk if they were forced to make deep reductions in spending for personnel and equipment modernization programs.

Maintenance will suffer. Training for non-deploying soldiers, sailors, Marines, airmen, and Guardsmen will virtually stop. Hardworking civilians will face unnecessary furloughs.

The Army Chief of Staff testified before our full committee. General Ray Odierno told us of his worry, and I quote:

> If we do not have the resources to train and equip the force, our young men and women will pay the price, potentially with their lives.

Marine Commandant General Jim Amos reminded us that America's allies and enemies are watching to determine whether our country remains able to meet its commitments overseas. He said, and I quote:

> Sequestration viewed solely as a budget issue would be a grave mistake.

So while this measure before us helps our men and women in uniform, the meat ax of across-the-board sequestration hangs in the air over the defense and domestic programs alike.

It has now been over 300 days since this House passed its first sequestration replacement bill, and that was last year. Still, the President and the Senate Democrats haven't budged. And their only solution is to raise taxes for the second time in 8 weeks.

It's time for real balance. More tax increases won't help working families, create jobs and protect our troops.

By allowing sequestration to continue, it will hurt many working families, terminate hundreds of thousands of jobs, both public and private, and put our men in uniform at risk.

This resolution takes us forward. I support it. It's important for national security, and I urge its adoption.

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

Mr. ROGERS of Kentucky. I yield the gentleman an additional 1 minute.

Mr. FRELINGHUYSEN. I yield to the chairman.

Mr. ROGERS of Kentucky. While we're waiting for the Senate to send us a bill relieving us of sequestration, while we're waiting for the President to send us something to relieve us of sequestration, we have no choice but to pass a continuing resolution to keep the government operating.

Sequestration I hope we can deal with in the future, but now we're dealing with whether or not to shut the government down. Is that not correct?

□ 1300

Mr. FRELINGHUYSEN. That is correct, Mr. Chairman. Let's keep the government open for business.

Mr. ROGERS of Kentucky. I thank the gentleman.

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

Before I yield to my next speaker, I would like to thank Mr. FRELINGHUYSEN for addressing sequestration and the devastating testimony of all those representing our distinguished Armed Forces. But I would also like to clarify again that this continuing resolution reaffirms sequestration. It does nothing in language or deed to make any efforts to cancel sequestration. We on this side of the aisle would be very pleased to continue to work with you in regular order to go through every bill, casting away waste, fraud and abuse, but to do away with sequestration. And I know my distinguished chair and I could work it out so that we could not have sequestration.

This bill, section 3002, reaffirms sequestration.

Mr. ROGERS of Kentucky. Will the gentlelady yield?

Mrs. LOWEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Would the gentlelady be so kind as to talk to the majority leader in the Senate about sending us over a bill to relieve us of sequestration? And, two, would the gentlelady talk to her President to see if he would do that? We're ready to act.

Mrs. LOWEY. Mr. Chairman, I would be delighted to work with you, but I have read this continuing resolution very carefully and section 3002 reaffirms sequestration. Let's work together. We can be the leaders. Let's send over a bill that does away with sequestration, which my good friend, Mr. FRELINGHUYSEN, says—and I was at that defense hearing, too—would hollow out our forces. Let's do that. Let's do that today. Why don't you submit an amendment? Let's get rid of sequestration.

Mr. ROGERS of Kentucky. If the gentlelady will yield, last year we voted twice in this body to replace sequestration, and it died because the Senate wouldn't take it up.

Mrs. LOWEY. I would be delighted, Mr. Speaker, to yield 1 minute to our distinguished leader, who has provided important leadership on the issue of cutting out waste, fraud, and abuse in our budget, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank my colleague, Congresswoman LOWEY, for her leadership and for yielding time on this important debate.

I listened, too, attentively to Mr. FRELINGHUYSEN and the distinguished chairman of the Appropriations Committee, and I heard Mr. FRELINGHUYSEN say how awful sequestration would be. And I completely concur with him on that. I also heard him say nothing in this bill does anything on sequestration. Well, if it does not, why is it in the bill? Is it to get votes on the Republican side because there's not the support for the investments that were called for in the Budget Control Act? If that's the case, let's be clear about it and put it forth. But if it has nothing to do with sequestration, Mr. FRELINGHUYSEN, why is it in the bill? Is it a waste of time and space? Is it a topic of discussion that is fruitless because it has nothing to do with sequestration but it's in there because it sends a very serious message?

And why are we in this place? We're in this place, the Chamber of the House of Representatives, to represent the American people. We recognize that a thriving middle class is the backbone of our democracy and that we are here to meet the needs of the American people and strengthen that democracy. With the legislation that is before us today, we undermine all of those efforts.

With the sequestration, which is reaffirmed in this legislation, we go down a path that is harmful to our economy and harmful to our national security. Don't take it from me. Federal Reserve Chairman Ben Bernanke told Congress last week on more than one occasion that cuts of this size made this quickly would hurt hiring and incomes, slow the recovery, cost the economy 750,000 jobs, and keep deficits larger than otherwise.

Why are we in this place? We're in this place because the Republicans have said that they would not close any tax loopholes except to lower rates—not to lower the deficit, but to lower rates. Because they will not close any loopholes to reduce the deficit, we have to reduce the deficit in other ways.

For example, they will not close the loophole for tax breaks for corporate jets. Instead, they want to cut 4 million Meals on Wheels. Instead of closing loopholes for Big Oil, they want to cut investments in little children's education. Instead of closing tax loopholes for corporations that send jobs overseas—that's my personal favorite, tax cuts for corporations that send jobs overseas—they want to lose 750,000 jobs here in our country. Instead of ensuring that millionaires and billionaires pay their fair share, our military readiness will be impaired and health care for our military families could be cut.

On a personal basis, we have teachers educating children of our military families who will be harmed by this. We have psychiatric nurses who meet the needs of our returning vets with PTSD and other challenges who may be furloughed because of this. What do we say to them? Oh, it's more important for us to have loopholes for tax breaks for corporate jets and millionaires and billionaires to send jobs overseas and the rest of it?

We had an opportunity to today in our previous question to bring to the floor the proposal advanced by Mr. CHRIS VAN HOLLEN, our ranking member on the Budget Committee. Mr. VAN HOLLEN's proposal is responsible and fair and it is balanced. It cuts spending responsibly. It ends unnecessary tax breaks for special interests, some of which I just named, and advances the Buffett rule, ensuring that millionaires pay their fair share.

I mention it because it's yet, again, another time where the Republicans on at least four occasions shut down the opportunity to debate an alternative to what the Republicans are proposing. And this is on top of all that we've already agreed to.

Many of us in a bipartisan way voted for the Budget Control Act, which cut $1.2 trillion in spending. That was in addition to over $300 billion already cut last year. That is in addition to the President and Members of Congress saying we are prepared to make further cuts in waste, fraud, and abuse. And some things are not wasteful. Maybe they're just not a priority anymore or we found a better way to do it. Maybe they're duplicative or obsolete. But, nonetheless, we can't afford them anymore.

So let's subject every dollar to harsh scrutiny; but we also have to subject to scrutiny all the spending on these tax breaks, because that is spending. When you give a subsidy to Big Oil of $38 billion as an incentive to drill, you are spending the taxpayers' dollars. Let's cut that spending, too.

Now, what's interesting about this is that, in what the Republicans are supporting, they are totally out of sync with the American people. Republicans across our country are opposed to the corporate jet loophole. They want to close the corporate jet loophole. And Republicans, by majority, support that. They want to eliminate oil and gas tax breaks. Republicans, by majority, support eliminating that. Republicans across the country say we should limit deductions for millionaires and billionaires. Republicans, of course, say we should end tax breaks for corporations to send jobs overseas. The list goes on.

Republicans, by majority, support the Buffett rule. Even some Republicans in the Senate say we must look at closing some of these loopholes—not just to lower rates for corporate America, but in order to lower the deficit—instead of going to our children, our seniors, our workers and all the rest to make those cuts.

So we are in a situation here today that is created not because the Republicans passed two bills last year. I know the gentlemen speaking on the floor know that last year is over. That Congress has ended. Those bills have no weight. The spending cuts that we agreed to last year are for over 10 years.

The bills that the Republicans passed last year ended at the end of the last

Congress. How to make a law? Just read the book. I realize that you would hardly recognize that civics lesson if you see what's happening on the floor here today and over the last period of time.

□ 1310

But I have enormous, enormous respect for the chairman of the Appropriations Committee. We sat on that committee together for a number of years. I appreciate that he wanted to bring a bill to the floor that honors the Budget Control Act.

I disagree with the tactic of putting a reinforcement of a sequester into law. It exists. We have to do the sequester unless we can head it off, unless the safety of our troops and their training, our national security, the education of our children, the safety of our neighbors, unless that takes precedence over protecting tax breaks for corporate jets, businesses that send jobs overseas—the list goes on, and I have mentioned it now more than one time.

So I urge my colleagues to think carefully about this vote. This isn't a vote to shut down government or not. That vote will come at another time.

The Senate isn't going to accept this bill. The Senate is not going to accept this bill. When they don't, they will send back another bill. And we'll just see how many votes are on the Republican side to keep government open, because we have absolutely no intention of having the government shut down. We will just see how many Republican votes there are for that, for a bill that will be a better bill than this.

Although, with the threat of sequester and what that will do to our economy—and our job creation and our reducing of the deficit—that's one thing; but think of what it does in the lives of those 4 million meals not delivered to seniors. Think of those seniors who are not getting those meals, those children who are not getting Head Start—or even beyond Head Start, the education of our children. Some of them are being educated by teachers who are teaching children of military families who will now have to lose their jobs or be furloughed. This has an impact right to the kitchen table of the American people. So we have to think very seriously about what we are doing here. But whatever we do, let's just have it be on the level, Mr. Speaker. Let's have it be on the level.

This is a bill that reinforces the sequester; if it didn't, it wouldn't be in the bill. So this bill, I think, has no merit, and it will not have my support.

Mr. ROGERS of Kentucky. Mr. Speaker, might I inquire how many speakers remain on the gentlelady's side. I have one remaining speaker.

Mrs. LOWEY. Mr. Speaker, we have three remaining speakers.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the distinguished ranking member of the Leg Branch Subcommittee of Appropriations.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise with grave concerns over the continuing resolution that we are considering today.

While we all support any effort to prevent a government shutdown, we await a bill from the Senate that hopefully treats domestic and defense bills with equal care.

There is no question that our men and women serving in Afghanistan deserve our support, but so do our children here in America. Yet the CR underfunds Head Start by $70 million, even though both House and Senate fiscal year 2013 bills provide significant increases for the program through our regular budget process.

In addition to underfunding many domestic programs, like the Affordable Care Act and the Supplemental Nutrition Program for Women, Infants, and Children, the CR does nothing to stop the across-the-board budget cuts in the sequester for any agency, including Defense.

I still hope we can work together to replace these indiscriminate, meat-ax cuts with a balanced approach so we can avoid compromising our future through lack of investments in education, infrastructure, defense and public safety. Sequester cuts will be like slowly turning up the heat to boil a pot of water.

Thankfully, the House is bringing this bill to the floor in time for the Senate to act and pass a bill for the March 27 deadline for the continuing resolution that will take a responsible, balanced approach to deficit reduction with targeted spending cuts and closing tax loopholes for the wealthy so we can use the revenue and the spending cuts to pay down our debt.

Mr. Speaker, taking an indiscriminate, meat-ax approach to the sequester, to reducing our deficit in a balanced way is irresponsible. We must work together. I implore our friends on the other side of the aisle to come together and work together with us towards compromise so that we can avoid gravely harming our domestic priorities, including women, children, families, and the middle class. It is still possible, and there is still time.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished ranking member of the Defense Appropriations Committee, the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate the time and, first of all, want to thank Chairman YOUNG of the Defense Subcommittee for his very good work. I want to thank the members of all of the subcommittees for their efforts throughout the years but, again, particularly those on the Defense Subcommittee, as well as our staff.

I do intend to support the measure, but do ask a question: Where are the other 10 bills for the Department of Agriculture, the Department of Transportation, and others, with less than 6 months left in the fiscal year?

For some of my colleagues who would vote for no appropriation ever in their life, I ask: What is there to fight over with the National Institute of Standards, or the Copyright Royalty Tribunal, or the Mine Safety and Health Administration?

I am grievously concerned, Mr. Chairman, that we no longer legislate in this body, but we lurch, we lurch from crisis to crisis. I find it inexplicable that some of my colleagues would vote in a heartbeat for a continuing resolution to run the government looking backwards last year at exactly the same amount of money for a similar appropriation bill with all 12 bills so that we could make decisions and exercise our constitutional responsibilities.

Continuing resolutions look back and run the most powerful Nation on Earth like we did last year. We are absent any legislative decisions, and it is an abdication of our constitutional responsibility. I would push it further and say we have a mandate. In article I, section 9, there is one sentence, it says:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

It is time that Congress begins to appropriate measures and runs this government and country and stops lurching.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 1 minute and would ask Mr. VISCLOSKY if he might rejoin us at the microphone.

On the point the gentleman just broached and, that is, the passage of bills, one of the most frustrating things of my life is that we cannot get the Senate to pass any appropriations bills.

As the gentleman knows—because he helped pass the Defense bill for this year and all years—we passed, through the House committee, all 12 bills. We sent them to the Senate, and all we got back was a resounding snore. They didn't do anything. When the Senate doesn't appropriate, in spite of the fact that we've passed all of our bills over here, we have to pass a continuing resolution. That is where we are. I lament that, as does the gentleman. And I know that he joins me in wanting us to pass, through regular order, each individual bill, bring it to the floor, let the Members have their say and vote on amendments and the like.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I would concur with the gentleman's remarks and would note that in my remarks I mentioned the Congress fails to appropriate, which includes the United States Senate.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to a hard-working Member, the gentleman from Iowa (Mr. LATHAM), who chairs the Transportation, Housing and Urban Development Subcommittee on Appropriations.

Mr. LATHAM. I thank the chairman of the full committee for the opportunity to address this.

I've been sitting here listening and heard the minority leader come to the floor and talk about children, about old people, about teachers—all these things—that she voted to cut the spending for to fund.

□ 1320

How can you support a bill, support the sequester insisted on by the President of the United States? It was his idea that he brought forth to try and resolve the differences at that time and something that he supports and he insisted on. The minority leader voted for these cuts that she now bemoans. It's fascinating when you look at the reality of the situation. There are some of us who actually did not support this because of the way the sequester would take place.

Now, you can say, well, it was never going to happen and all these things, but the fact of the matter is it is here today and it is law because people like the minority leader insisted on it. So to come to the floor and talk about those cuts today, something that she supported, is really quite fascinating to anyone listening or watching this debate today.

Mr. Speaker, I will tell you, it is very frustrating. As someone who went through the entire process last year with my ranking member, Mr. Olver from Massachusetts, who is now retired, we went through subcommittee and full committee. We had 3 days on the floor of the House, an open rule with amendments. We passed our bill, the Transportation and HUD appropriation bill, with the largest bipartisan majority of any bill passed last year, yet the Senate does nothing. That's why we're here today.

The House of Representatives, under the chairman's leadership, has moved bills, has done our work. The frustration we have is that we don't have a counterpart on the other side of this great building to actually do their job so that we can finally get resolution of these very difficult spending problems.

Mr. Speaker, it is very important today that we move this bill. This is the best alternative. It will give us certainty for the rest of the year so that we can address the big issues that are before us and this Nation about spending—$16.5 trillion of national debt and about $1 trillion of annual deficit has got to be addressed. By doing this, it will give us the opportunity to maybe forge a large compromise, to forge a big deal that will actually set a course for this country.

I think the reason most all of us are here is because we have children. I have five grandchildren. The reason I do this is because I believe that we've got to change direction, and this is a necessary step to do that.

With that, I ask everyone to support this bill.

The SPEAKER pro tempore. The gentleman from Kentucky has 1 minute remaining. The gentlewoman from New York has 1¼ minutes remaining.

Mrs. LOWEY. I am delighted to yield the balance of my time to a distinguished Member of the Appropriations Committee, the gentlewoman from California, Ms. BARBARA LEE.

Ms. LEE of California. Let me thank our ranking member for yielding and for her tremendous leadership.

First of all, let me just make this point. This bill—actually, this CR—reaffirms sequestration, and it really could have been canceled. I have to tell you, also, that at a time when the Pentagon has enjoyed a decade of unchecked defense spending, this bill gives the Pentagon new flexibility to cushion the effects of sequestration. Again, it reaffirms sequestration.

At the same time, the bill ignores the impacts of these devastating cuts on the American public. These sequestration cuts would not only hurt low-income families first and hurt them the most, but also communities of color and the millions of Americans who still are struggling to find a job.

The sequester will impact my congressional district, my home State of California, and every single household in America. It also underfunds the vital programs that protect public health and safety, promote and develop our workforce, and educate the next generation.

While all of us believe that it's important to keep the government functioning, governing by a continuing resolution is really no way to run the Federal Government. We need to rein in Federal spending and spend our security dollars wisely on proven programs that meet today's national security needs, but we also must begin some nation building here at home. The American people deserve better than that. Not only is this resolution a fiscal disaster, it is morally wrong.

[From the New York Times, March 5, 2013]

CALIFORNIA, ON BRINK OF RECOVERY, BRACES FOR SETBACK ON FEDERAL AID

(By Norimitsu Onishi)

SAN FRANCISCO.—After years of ballooning budget deficits, California finally seemed on firmer footing. Unemployment remained high, but revenues and housing prices were up. Taxpayers even voted themselves a tax increase to bring deficits down.

And then came the automatic federal budget cuts known as sequestration.

As the $85 billion in spending cuts slowly roll out nationwide, California officials are girding themselves for a blow not only to the state's large military industry but also to its nascent economic recovery. Still, experts say, it will most likely slow down, though not derail, the state's economic growth.

The cuts, which began to take effect on Friday and will accelerate as time passes, will amount to a loss of an estimated $9 billion for California this year. The military industry will incur the biggest reduction, $3.2 billion, but education, social programs and other areas that were hit particularly hard by California's budget turmoil in recent years will also face cuts.

State officials await word from Washington on exactly how the cuts will be put in place in the weeks and months ahead, hoping that the long-term ripple effects on California's consumers and businesses will become clearer.

''It's very frustrating for a state like California, where we've had housing-market and job-market gains beginning to solidify here,'' said Jason Sisney, the director of state finance at the nonpartisan California Legislative Analyst's Office. ''And just as that's happening, we have the federal government taking actions that could impede that recovery.''

Despite the size of military and federal programs in California, the state's $2 trillion economy is larger and more diverse than the economies of other states, and less dependent on federal workers.

''California will be an average state,'' said Stephen Levy, the director of the Center for Continuing Study of the California Economy. ''We won't be hit less, and we won't be hit more.''

Jerry Nickelsburg, an economics professor and expert on the California economy at the Anderson School of Management at the University of California, Los Angeles, said: ''But is it sufficient to choke off the recovery in California? I think the answer is no. Will it slow the growth of the California economy? The answer is yes.''

Because the automatic budget cuts had been set up to force Democrats and Republicans to negotiate over cuts and spending—and not to be actually put in place—California officials, like their counterparts in other state capitals, have received only general guidance so far from the Office of Management and Budget on how to carry out the cuts. But in the coming weeks, federal agencies are expected to provide details on their respective spending cuts.

''As we learn more the specifics on how they're going to do that, then we will have a better sense of how it will impact the state,'' said H. D. Palmer, a deputy director at the California Department of Finance.

State officials could have to adjust for the cuts in the state budget revision scheduled for May. In January, Gov. Jerry Brown announced the first balanced budget in years, thanks largely to a temporary tax surcharge that voters approved in November.

The budget cuts are expected to be felt strongly in the San Diego area, where the military industry plays a significant role in the economy. According to the White House, California's 64,000 civilian military workers will be furloughed starting next month, most likely by losing a day of work a week over several months. The White House estimates that the furloughs will total a $400 million reduction in gross pay this year.

Military contractors in the area are also bracing for cuts.

Marion C. Blakey, the president of the Aerospace Industries Association, a trade group based in Arlington, Va., said larger contractors could absorb the loss of an anticipated order. But smaller members, she said, could be forced to lay off highly paid engineers, and in that way dampen the regional economy.

''These are companies that often do not have the resilience and flexibility to take this kind of body blow,'' Ms. Blakey said, adding that these were typically highly specialized companies incapable of quickly shifting their businesses. ''As an industry, we are very concerned about the third and fourth tier in the supply chain, and California has a lot of those kinds of companies.''

Gregory Bloom, a member of the trade group's executive board and the president of Seal Science, a 120-employee aerospace company in Irvine, Calif., said his business had already suffered from the cuts. Because of the uncertainty surrounding federal financing of military-related programs, his company had lost two top engineers and was unable to fill four existing engineering positions, he said.

''In my entire career, I've never been in a situation where I can't at least put some probability on what's going to happen,'' Mr. Bloom said, adding that he had delayed expanding capacity at a plant as a result. ''There's absolutely no way to plan.''

The cuts could hurt California's schools and colleges, whose budgets have been slashed in recent years. The University of California system is expected to face at least a 5 percent cut in the $3.5 billion it receives annually in federal research money. Cuts in federal student aid programs will affect the next academic year.

''As a family starts to plan for what's going to happen next year—how much money do I need to send my son or daughter to school?—these are unknowns right now until we get more information from the federal government,'' said Gary Falle, the University of California's associate vice president for federal government relations.

According to the White House, California will also lose $88 million in federal money for primary and secondary education this year. Though Washington accounts for less than 11 percent of the state's budget for schools, that share has taken on increasing weight in recent years because of state cuts, said Erika Webb-Hughes, an official at the California Department of Education's government affairs division.

The cuts are likely to affect disadvantaged students the most, including those with disabilities, Ms. Webb-Hughes said. The uncertainty of the magnitude of the cuts will also make it difficult for school districts to plan for next year because, by state law, they must notify staff members of their future employment status by March 15.

''People will be sending out pink slips,'' Ms. Webb-Hughes said. ''Even if at the end of the year there is a miraculous agreement in the Congress that averts a majority of this issue, the damage is already done.''

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is all about whether or not we shut down the government. This is a bill to keep the government operating while we debate, then, how we deal with sequestration.

This is not a sequestration bill. This is a bill to continue funding the government for the balance of the fiscal year and to help the military cope with the restrictions so that our Nation is adequately defended by our men and women in uniform.

I urge the adoption of the continuing resolution. Let's keep the government going.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in strong support of H.R. 933, which includes as Division A the fiscal year 2013 Defense Appropriations Bill.

The Defense bill is a good bi-partisan bill which was negotiated with the Senate late last year. It is critical that we pass this bill and get the Department of Defense out of a year-long continuing resolution, which would have devastating consequences—consequences that rival those of sequestration as several of the Service Chiefs have claimed.

The Defense bill provides the Department with funding in the proper accounts to match how the fiscal year 2013 funds were requested and will be executed, as opposed to the mismatch created by carrying forward the fiscal year 2012 enacted levels in a CR. Without correctly establishing this baseline for execution, the Operation and Maintenance accounts would have been almost $11 billion short—a shortfall almost equivalent to the sequestration reductions.

Passing a Defense bill also removes the prohibition on new starts and rate increases which exists under a continuing resolution. With over five hundred programs impacted by this prohibition, the Department would experience hundreds of significant schedule delays and cost increases. Also, over a billion in savings would be lost because the Department could not enter into multi-year procurement contracts.

It has now been 5 months since the fiscal year began. But because the Senate did not pass one appropriations bill last year, we find ourselves still trying to wrap up fiscal year 2013. I want to thank Chairman ROGERS for including the Defense bill in this package. This bill is long overdue, and I urge its quick passage.

Chairman ROGERS is the initiator of this plan to pass Defense appropriation and military construction as the major parts of this legislation and he deserves appreciation for his determination to make this important plan work.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I oppose H.R. 933, which appropriates money for the Department of Defense and the Department of Veterans Affairs, and funds the rest of the government until the end of the Fiscal Year 2013. This bill maintains the across the board sequestration cuts that took effect last Friday. Democratic Members of Congress have repeatedly called for a common sense, bipartisan solution to avoid the sequester, and have been met by nothing but inaction by our colleagues in the majority.

These indiscriminate cuts will seriously jeopardize the economic stability of this country. While our economy is still recovering from the worst recession since the Great Depression, sequestration will have the effect of slowing the recovery and costing 750,000 jobs.

While the worst consequences of the sequester have not yet been realized, the wheels have now been set in motion. We are on a course that will have real impacts for millions of Americans. Furlough notices are going out to thousands of federal employees and contractors, and many services will begin to slow.

Programs and services that millions of Americans rely on like Head Start, nutrition programs like WIC, and even the Federal Emergency Management Agency will be crippled by these cuts in funding. The critical support that our communities depend upon—the law enforcement officers who protect us, the air traffic controllers who keep our skies safe, FDA food inspectors, and the CDC's funding for disease prevention—all of it is being slashed.

Mr. Speaker, in short the Republicans are putting the ability of our government to function at risk, and they are jeopardizing the safety and security of millions of families across this country.

Mr. BRALEY of Iowa. Mr. Speaker, I rise today against H.R. 933. This bill includes reckless, across-the-board spending cuts known as the sequester, which have a disproportionate impact on critical programs that serve those in our nation's most vulnerable communities. Because Congress is unwilling to act responsibly, drastic cuts are set to go into effect with this bill, and hundreds of Iowa kids will bear the burden of lawmakers' inaction by no longer having access to Head Start services. Investments for children's education will be cut. Additionally, the bill could impact other everyday services such as the closure of hundreds of air traffic control towers throughout the country, including three in Iowa. Along with the harmful cuts that the sequester brings, the Defense Appropriations portion of the bill continues to fund $87 billion dollars towards the war in Afghanistan. We need to bring our brave men and women serving in uniform home rather than continue to fund a war that has lasted longer than a decade.

Although I oppose the bill in its current form, there are many provisions in the bill that I do support. I applaud the 1.7 percent pay increase for military personnel. I support the continuation of a pay freeze for Members of Congress. I also support the increased funding for embassy security following the needs identified after the Benghazi attacks. I am also pleased to know that the bill provides for substantial foreign aid to our ally Israel.

Mr. HIMES. Mr. Speaker, while I supported today's continuing resolution in an effort to ensure that essential governmental operations are funded beyond March 27, there remain many questions about the application of the sequester.

One area that few Members of Congress or the administration are discussing is whether sequestration should apply to certain entities that Congress clearly intended to be legally independent of the federal government. Congress recognized the crucial importance of maintaining the objectivity of each of these entities and insulated them from the federal appropriations process in order to maintain their independence.

For example, the Financial Accounting Standards Board (''FASB''), the entity that establishes generally accepted accounting principles is a private entity that is explicitly not part of the Congressional appropriations process under the Sarbanes-Oxley Act. Indeed, that Act specifically states that FASB revenues are not to be considered ''public monies.''

Unfortunately, the Office of Management and Budget's sequestration order would require the private fee income on which FASB relies for its operations to be subject to the sequester. This is despite Congress' explicit intent in the Sarbanes-Oxley Act to keep FASB independent.

More fundamentally, sequestration of these monies makes no sense. FASB's funding does not come from the federal government and is instead collected from accounting support fees allocated among public issuers. As a result, sequestration of FASB funding has no effect on reducing the federal deficit. It does, however, undermine FASB's independence and important role in setting accounting standards for U.S. public issuers.

Other entities similar to FASB are also being sequestered despite Congress' clear intent to keep them separate from the federal

budget process. The Public Company Accounting Oversight Board, the Securities Investor Protection Corporation, and the North American Electric Reliability Corporation are all entities subject to the sequester notwithstanding the fact that they collect fee income independent of the federal budget process.

Subjecting these entities to sequestration would seriously undermine the intent of Congress to keep them apart from the federal budget process as independent organizations. As we consider the effect of sequestration in the coming days and weeks, I urge my colleagues to support a legislative remedy that would ensure that entities like FASB are not subject to sequestration.

Mr. HOLT. Mr. Speaker, I rise in opposition to this bill.

While this bill does exempt the Department of Veterans Affairs from sequestration, that is the only good news in this bill.

H.R. 933 does provide the Department of Defense with a better balance between its operations and maintenance accounts and its longer-term investment accounts. However, it will do nothing to stop the $46 billion sequester for the Department of Defense, which will result in civilian furloughs, deployment and training cutbacks, and facility maintenance cuts.

The bill shortchanges our homeland security needs by denying a requested increase for FEMA State and Local Grants, locking the program into its lowest funding level in history and shortchanging disaster preparedness and anti-terrorism funds to states, urban areas, ports, transit, and first responders.

Communities impacted by Hurricane Sandy are also shortchanged by this bill. H.R. 933 does not include funding requests important for disaster recovery, cyber-security, water infrastructure, advanced manufacturing, and weatherization, including a request to lower the local cost-share from 65/35 to 90/10 for Army Corps of Engineers projects in communities affected by Sandy, hindering ability of local communities to recover and rebuild.

The bill also violates the intent of the Affordable Care Act by failing to include a requested $949 million to implement health insurance exchanges under the Affordable Care Act, scheduled to begin enrolling participants in October. Funding is needed for IT infrastructure to process enrollments and payments, eligibility verification, call centers, and other assistance to help individuals and small businesses select and enroll in health plans.

I urge my colleagues to join me in opposing this badly flawed bill.

Mr. O'ROURKE. Mr. Speaker, I rise today to explain my vote for the Continuing Resolution, H.R. 933. It is a deeply flawed bill that fails to adequately address the mindless cuts of the sequester; however, I believe it is an improvement over the current budget status quo and will help ease the pain of the sequester cuts for El Paso.

We should be voting on a balanced plan to end the sequester. I and other members have attempted to introduce legislation that would replace the sequester. In fact, we even tried to force a vote today to do this once again, but have been continually and repeatedly blocked by the majority at every turn. The non-partisan CBO says that the sequester will mean 750,000 lost jobs across the country. In El Paso, 20,000 federal workers, including those that protect our borders and care for our wounded warriors, are facing furloughs and continued pay freezes because Congress has not acted. Federal Reserve Chairman Bernanke recently testified that the sequester cuts will actually make it more difficult to address our long-term deficits because it will slow economic growth. The sequester will also mean fewer teachers in our classrooms, less Head Start spots for low-income children, and cuts to job-training programs that help dislocated workers find employment.

The bill before us today recognizes that the sequester is irresponsible and it provides relief from the negative impacts of the sequester for two agencies—the Veterans Administration and the Defense Department. Our vote today on actual appropriations bills for these two agencies will help alleviate some of the worst sequester impacts. For example, this legislation allows the Defense Department to shift funds to the Operations and Maintenance account so that our military installations, including Fort Bliss, can operate effectively and ensure that our troops continue to receive world-class training. It provides advanced appropriations for the VA so they can care for our veterans. By providing a full year appropriations for Military Construction, this legislation will provide greater certainty for the Beaumont East hospital project on Fort Bliss. The bill also provides targeted relief to the Customs and Border Patrol (CBP) and will allow CBP to maintain staffing levels and hopefully avoid the full 14 days of furloughs scheduled to start next month. This will help prevent gridlock at our ports of entry and help the economy of El Paso, not to mention the greater security afforded to family budgets for those CBP employees. For these reasons I am supporting the Continuing Resolution today.

However, this legislation is far from perfect and is certainly not the bill I would have authored. But I cannot go home and tell El Pasoans that I voted against protecting working families and tens of thousands of jobs at Fort Bliss and within the CBP because I was holding out for a better deal. My only choice was to vote yea or nay. I choose to help move the ball forward, avoid a government shutdown, and alleviate some of the worst impacts of the sequester.

There is still time to make needed improvements to this legislation and provide our federal agencies with the flexibility and funding they need to function properly. The Defense Department and the Veterans Administration are vitally important agencies; however, there is no reason that Congress should carry out its responsibilities of passing a budget for only them, while forcing the rest of the government to function under the mindless cuts imposed by the sequester and spending priorities enacted 18 months ago. I will continue to work toward a responsible solution to stop the sequester, fund our government, protect the jobs of El Pasoans, and ensure that programs that many in my community rely on are protected.

Mr. VAN HOLLEN. Mr. Speaker, today presents our last chance this month to deal with the harmful effects of sequestration, and yet the bill on the floor does nothing to address this critical issue. This week, for the fourth time, House Republicans blocked my amendment to replace sequestration, even as the nonpartisan Congressional Budget Office warns that these arbitrary cuts will cost the economy 750,000 jobs and lower economic growth by nearly one-third. By failing to address sequestration, this bill underfunds education, scientific research, and consumer protections.

Moreover, while I appreciate that today's bill makes necessary adjustments to defense and veterans programs, I regret that it fails to make similar provisions for every other federal agency. By failing to adjust agency budgets outside of defense, this bill continues spending on old policies while failing to fund important priorities like implementation of the Affordable Care Act and enforcement of Dodd-Frank protections against abuse in the financial sector.

This bill also continues to unfairly penalize our federal workforce, extending their pay freeze through the end of the year. I support my colleague GERRY CONNOLLY's bill to freeze Congressional pay, but our federal employees have already paid more than their fair share, sacrificing more than $100 billion in pay and benefits to reduce our Nation's deficit. Private-sector wages rose by an average of 1.4 percent in 2011 and 1.7 percent in 2012, but federal pay has been frozen since 2010. Denying a 0.5 percent cost-of-living increase for the federal workers who secure our airports, patrol our borders, conduct research in national labs, care for our veterans, and inspect our Nation's food supply will only jeopardize our ability to recruit and retain the best and the brightest.

We stand ready to work with our Republican colleagues to end sequestration and responsibly fund our national priorities. Instead, the Republican Leadership, driven by their most extreme members, continues to move from manufactured crisis to manufactured crisis, ignoring our most pressing needs—jobs and the economy. We can and must do better for the American people. It is my hope that we can work with our colleagues in the Senate to craft balanced, responsible legislation that avoids a government shutdown, ends sequestration, and properly funds our Nation's priorities.

Mr. BLUMENAUER. Mr. Speaker, I oppose this legislation. In Congress, we continue to talk past ourselves on how to get to fundamental financial sustainability. If flexibility is necessary for some agencies, then why not provide all of them with the necessary flexibility to deal with the draconian impacts of the sequester?

I opposed the sequester from the beginning and still believe it's a terrible idea. Congress should have dealt with it comprehensively at the end of last year; we should have had a bigger solution then. Now that we are stuck with it, we have to deal with the consequences.

Providing flexibility to some of the agencies but not others makes no sense—it merely allows the Defense Department to mitigate some of the worst effects on its budget, while continuing to hamstring vital domestic priorities. For instance, the $1.6 billion cut in the NIH budget will cut research into illnesses affecting millions of Americans, senior meal programs like Meals on Wheels will be cut by up to 4 million meals for needy seniors, and in my State, head start and early head start programs are being cancelled.

In my home State of Oregon, we will lose approximately $10.2 million in funding for primary and secondary education, putting about 140 teacher and aide jobs at risk. Our Head Start and Early Head Start services will be eliminated for approximately 600 children, reducing access to critical early education. Oregon could lose up to $81,000 in funds that

provide services to victims of domestic violence, resulting in up to 300 fewer victims being served.

Overall, this reckless policy will cost our country roughly 750,000 jobs, according to the CBO. They also estimate that allowing sequester to take place will lower economic growth from 2.0 percent to 1.4 percent, cutting anticipated economic recovery by a third.

Instead of throwing our hands up, we should make smart, targeted budget decisions that, taken over 10 years, are an alternative to the arbitrary sequester cuts and can put the country on a more sustainable fiscal path.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 99, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. PETERS of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PETERS of California. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Peters of California moves to recommit the bill H.R. 933 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 268, beginning on line 20, strike section 3002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of the motion.

Mr. PETERS of California. Mr. Speaker, this is the final amendment to the bill. It will not delay or kill the bill or send it back to committee. If adopted, the bill will proceed immediately to final passage, as amended.

This past November, San Diegans and people across the country sent a strong message to Congress. They are tired of Washington putting politics before people, and I was honored to take my oath of office in January with a mission to be part of the solution. Like probably every member of this freshman class, Republican and Democrat, I ran for office because I was tired of the gridlock, and I believed I could make a difference. I still do.

When I was president of the San Diego City Council, it would never have occurred to me not to allow my colleagues to vote on a measure because I disagreed with it. I docketed items for votes because that's how we worked through issues and moved ahead. But the reality of Congress is that leadership has the ability to kill legislation before Members are even allowed to vote on it.

This Congress has been in session for 61 days. During that time, the majority has not offered or allowed even one vote on any proposal to repeal, amend, or replace the sequester, a measure that was designed to be so nonsensical that it was supposed never to have taken effect. That means that this Congress, 20 percent of whom are new Members, has not had even one chance to vote to avoid the loss of at least 750,000 jobs.

Until we're allowed to vote on the sequester, those of us who think it's bad policy—who prefer a regular budget process—can at least start by striking the sequestration language in this bill.

Since coming to Congress, I have used my time at home and here to emphasize how these budget decisions—and nondecisions—affect our constituents, large and small businesses, and our national defense. People in San Diego and across the country are counting on us to find a solution to the sequester so that we can continue our recovery, our economic growth, and we can continue to stay safe.

I've explained that two of the main drivers of San Diego's economy are our scientific research community and our military. In fiscal year 2012, San Diego firms received more than $130 million from the National Science Foundation and $850 million from the National Institutes of Health. It's these types of investments that have created hundreds of thousands of jobs, boosted our economy, and allowed San Diego to become the second largest life science cluster in the United States.

A student pursuing a degree in the sciences recently wrote to me to express the hope that we will find a way to fund an NIH project that would map the active human brain. That project would do for neuroscience what the Human Genome Project did for genetics. But he worries that if the United States is unable to fund projects like these that we will lose our place as a leader in scientific discovery to countries like China, England, or Israel, who are making those investments today.

The immediate cuts to NIH from sequestration are 8.2 percent, which is equivalent to a cut of $2.5 billion. This could result in the loss of 33,000 research-related jobs in 2013 and a $4.5 billion decrease in economic activity.

I've also explained how devastating the sequester is to our military. Just yesterday, an admiral testified at the House Armed Services Committee about how our best and brightest, whom we need for cyberdefense and who are interested in cyberdefense, are worried about pursuing their careers here because they don't know if they can count on Congress to provide the support.

□ 1330

And in San Diego, where almost one in four jobs are defense-related and nearly 25 percent of defense contractors are small businesses, 10 shipbuilding and maintenance contracts have been canceled. Nationwide, manufacturing companies that rely on defense funding could lose 223,000 jobs. And as we have heard in Armed Services, neglecting ship repairs and other maintenance and not making these investments not only leads to job losses, but threatens our very readiness as a nation.

I know protecting these areas of investment and ensuring economic recovery and growth are ideas that both Democrats and Republicans can agree on. Now is the time to ignore party pressures and to do what is right for the American people. I urge my colleagues to vote ''yes'' to remove this language from the bill because we need to find solutions other than the sequester.

Let's turn the indiscriminate cuts of the sequester into targeted cuts that are part of a larger deficit reduction strategy, a strategy that cuts wasteful spending but doesn't cut critical infrastructure investments, stifle scientific innovation, or compromise our national defense.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I rise in opposition.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Speaker, the budgetary problems we face are unprecedented, and the American public demands that we address them. This continuing resolution is the first step in that process.

The measure before us does four important things: one, it takes threat of a government shutdown off the table; two, it fulfills the agreements made in the Budget Control Act; three, it protects our troops in harm's way; and, four, it binds up our veterans' wounds.

This is not the time, Mr. Speaker, to argue about sequestration. Today is the day to keep the government running and show the people back home we've not lost the ability to govern.

The House has passed two separate responsible sequestration replacement bills only to have both of them languish in the other body without action. We're still waiting, Mr. Speaker.

The President must come to the table with a real proposal to solve the sequestration crisis instead of sending us the same old talking points and doing campaign trips around the country.

The public is tired of government putting politics ahead of people. Now is the time to take a shutdown off the table. Now is the time to give our troops and our veterans the resources they need, deserve, and have earned. Now is the time, Mr. Speaker, to govern.

Vote ''no'' on this motion, and vote ''yes'' to keep the government operating.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PETERS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 188, nays 231, not voting 12, as follows:

[Roll No. 61]

YEAS—188

Andrews
Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maffei
Maloney, Carolyn
Maloney, Sean
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meng
Michaud
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Yarmuth

NAYS—231

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (FL)
Young (IN)

NOT VOTING—12

Capuano
Coble
Lynch
McIntyre
Meeks
Miller, George
Polis
Ros-Lehtinen
Sanchez, Loretta
Sires
Wilson (FL)
Young (AK)

□ 1354

Messrs. REICHERT, TURNER, SMITH of Texas, and BILIRAKIS changed their vote from ''yea'' to ''nay.''

Ms. LOFGREN, Mr. BISHOP of New York, Ms. DEGETTE, Ms. MENG, and Mrs. NAPOLITANO changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 267, nays 151, not voting 13, as follows:

[Roll No. 62]

YEAS—267

Aderholt
Alexander
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castro (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis (CA)
Davis, Rodney
DeFazio
DelBene
Denham
Dent
Diaz-Balart
Duffy
Duncan (SC)
Ellmers
Enyart
Esty
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Himes
Holding
Horsford
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Kelly
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lance
Lankford
Larson (CT)
Latham
Latta
Lipinski
LoBiondo
Loebsack
Long
Lowenthal
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
Maffei
Maloney, Sean
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Negrete McLeod
Neugebauer
Noem
Nugent
Nunes
Nunnelee
O'Rourke
Olson
Owens
Palazzo
Paulsen
Pearce
Perlmutter
Perry
Peters (CA)
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross
Rothfus
Royce
Ruiz
Runyan
Ryan (WI)
Scalise
Schneider
Schock
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stutzman
Takano
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Turner
Upton
Valadao
Veasey
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf

Womack
Woodall
Yoder
Yoho
Young (FL)
Young (IN)

NAYS—151

Amash
Andrews
Bass
Beatty
Becerra
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Bridenstine
Broun (GA)
Brown (FL)
Butterfield
Capps
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Crowley
Cuellar
Cummings
Davis, Danny
DeGette
Delaney
DeLauro
DeSantis
DesJarlais
Deutch
Dingell
Doggett
Doyle
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frankel (FL)
Fudge
Gingrey (GA)
Gohmert
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Hinojosa
Holt
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Keating
Kennedy
Kildee
Kilmer
Kind
Kingston
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis
Lofgren
Lowey
Luján, Ben Ray (NM)
Maloney, Carolyn
Markey
Massie
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McNerney
Meng
Michaud
Moore
Nadler
Napolitano
Neal
Nolan
Pallone
Pastor (AZ)
Payne
Pelosi
Peters (MI)
Pingree (ME)
Pocan
Posey
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Serrano
Sewell (AL)
Shea-Porter
Sherman
Slaughter
Smith (WA)
Speier
Stockman
Swalwell (CA)
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Vargas
Vela
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Welch
Yarmuth

NOT VOTING—13

Capuano
Coble
Lynch
McIntyre
Meeks
Miller, George
Pascrell
Polis
Ros-Lehtinen
Sanchez, Loretta
Sires
Wilson (FL)
Young (AK)

□ 1403

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PASCRELL. Mr. Speaker, today, March 6th, I missed a rollcall vote. Had I been present I would have voted: Rollcall vote 62–"nay"–Final Passage of H.R. 922—Department of Defense, Military Construction and Veterans Affairs, and Full-Year Continuing Appropriations Act, 2013

HOUR OF MEETING ON TOMORROW

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the order of the House of January 3, 2013, regarding morning-hour debate not apply tomorrow, and when the House adjourns on Thursday, March 7, 2013, it adjourn to meet at 10 a.m. on Monday, March 11, 2013.

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

There was no objection.

APPOINTMENT OF MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON ETHICS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of January 3, 2013, of the following Members of the House to be available to serve on investigative subcommittees of the Committee on Ethics for the 113th Congress:

Mr. LATHAM, Iowa
Mr. THORNBERRY, Texas
Mr. FORBES, Virginia
Mr. BISHOP, Utah
Mrs. BLACKBURN, Tennessee
Mr. LATTA, Ohio
Mr. OLSON, Texas
Mr. GARDNER, Colorado
Mrs. ROBY, Alabama
Mr. MESSER, Indiana

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 313

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 313, a bill originally introduced by Mrs. Emerson of Missouri, for the purposes of adding cosponsors and requesting printings pursuant to clause 7 of rule XII.

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

There was no objection.

HONORING THE LIVES OF SERGEANT LORAN ''BUTCH'' BAKER AND DETECTIVE ELIZABETH BUTLER

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

Mr. FARR. Mr. Speaker, every day, police officers place themselves in harm's way to protect our communities. It's that unselfish act that separates them from ordinary citizens. Through their willingness to serve, our brave policemen and -women represent the best of our country.

Sadly, last week, in my district, two fine officers, Sergeant Loran ''Butch'' Baker and Detective Elizabeth Butler, were killed in the line of duty in the small town of Santa Cruz, California. Sergeant Baker and Detective Butler are the first officers to be killed in the line of duty in the city's 137-year history.

Our prayers and sympathies are with the families and loved ones of these officers. And I'd like the House to take a brief moment of silence in their memory.

Sergeant Baker leaves behind a wife, two daughters and a son, who is a Community Service Officer with the Santa Cruz Police Department. Detective Butler leaves behind her partner and two young sons.

This is a horrible tragedy, and I join with the residents of the Central Coast to mourn this loss and to pay our respects to these two fallen heroes.

□ 1410

SPREAD THE WORD TO END THE WORD

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, March 6 is the day we ''Spread the Word to End the Word,'' an ongoing effort by Special Olympics, Best Buddies, and many others to raise the consciousness of society about the hurtful effects of the word ''retard'' and to encourage people to pledge to stop using the ''R'' word. Respectful and inclusive language is essential to the dignity and humanity of people with intellectual disabilities. Much of society does not realize the hurtful, dehumanizing, and exclusive effects of this word. This campaign is intended to engage schools, organizations, and communities to rally and pledge their support to promote the inclusion and acceptance of people with intellectual disabilities.

Today, I pledge my support to help end the derogatory use of the ''R'' word from everyday speech and promote the acceptance and inclusion of people with intellectual disabilities.

Mr. Speaker, I urge all of my colleagues to ''Spread the Word to End the Word.''

HONORING THE 225TH ANNIVERSARY OF THE TOWNS OF STILLWATER, SARATOGA, HALFMOON, AND BALLSTON, NEW YORK

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

Mr. TONKO. I rise today to recognize four towns in the 20th District of New York that will celebrate their 225th anniversary tomorrow. They're the towns of Stillwater, Saratoga, Halfmoon and Ballston.

The place of the Still Waters had French settlers as early as the 1600s, and they were known to have a mill. Originally part of Albany County, the districts of Saraghtoga, and Halfmoon were divided on March 24 of 1772. In 1775, BallsTown was taken from Saraghtoga, making three districts within Albany County. Eventually, in February of 1791, the New York State Legislature created the county of Saratoga. Early Ballston residents were deeply involved in the Revolutionary War. And in Halfmoon, some of the original minutes from the first town meeting in April of 1788 still exist.